

MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:35 p.m. on March 7, 2005, in Room 123-S of the Capitol.

Committee members absent: Barbara Allen- excused

Committee staff present: Carolyn Rampey, Kansas Legislative Research Department
Kathie Sparks, Kansas Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: Representative Kathe Decker
Sandra Hazlett, Director of Children and Family Services,
SRS
Mark Tallman, Kansas Association of School Boards
Andy Ewing, special education teacher
Mercedes Arizpe
Aimee Keohane
Deborah Howard

HB 2247—Transfer of pupil records; reports of the Secretary of Social and Rehabilitation Services

Theresa Kiernan, Revisor of Statutes Office, explained that the bill specifies that, if the Secretary of Social and Rehabilitation Services (SRS) changes the placement of a pupil from one school or school district to another school or school district, the Secretary would have the responsibility to ensure that the school records of that pupil were transferred to the new school as soon as possible. In addition, the Secretary would have to submit an annual report that details the number of pupils who were transferred and the number of days that elapsed between the day the request for the transfer of school records was submitted and the day the new school received the records. Reports would have to be submitted to the Legislature by December 31, 2005 and 2006. The bill goes into effect upon publication in the Kansas Register and expires on January 1, 2007.

Representative Kathe Decker, who requested the introduction of **HB 2247**, commented that the bill was born out of the frustration school districts expressed about the problem of obtaining school records for children within the foster care system. She noted that LEPC had hearings on special education issues last summer, and one of the issues concerned the problem of obtaining school records for children in foster care. It became apparent that there was a problem with making sure the school records were following children who are in foster care. She noted that schools need to know immediately upon transfer if there was an IEP, what services were given to the child by the previous school, and the special needs of the child. She explained that the bill does not involve a privacy issue because records are transferred between school districts either by fax or by mail without anyone else seeing them. The intent of the bill was to begin a tracking system to see how many foster children are moved between school districts, how fast their records are obtained, and if it is the school district's problem or SRS's problem. She emphasized that children in foster care need continual, consistent care, and the bill would provide information needed in order to begin to address the issue. (Attachment 1)

Sandra Hazlett, Director of Children and Family Services with SRS, testified in support of **HB 2247**. She noted that, while some of the information SRS would be required to report to the Legislature for two years is already being collected, the communication SRS will have to make with each school in order to track the timing of the transfer of records would require an additional SRS staff person. She informed the Committee that the Educational Enrollment Inform Form (EEIF), which has been in use since 2001, provides schools with essential information about students in out-of-home placement at the time of their enrollment. The Foster Care Database, which was implemented at the beginning of the 2003-2004 school year, includes the same information as the paper form. The paper base continues to be used in addition to the database. SRS believes that the database is the best means to ensure timely transfer of records. (Attachment 2)

Mark Tallman, Kansas Association of School Boards, testified in support of **HB 2247**. He pointed out that, the more quickly schools can review student records and provide appropriate educational experiences, the

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more quickly they can help students. He noted that long and frequent delays cause students to suffer. (Attachment 3)

There being no others wishing to testify, the hearing on **HB 2247** was closed.

Senator Schodorf opened the continued hearing on **SB 241** concerning the Special Education Seclusion and Restraint Modernization and Parental Support Act.

Mark Tallman, Kansas Association of School Boards (KASB), testified in opposition to **SB 241**. In support of KASB's opposition, he discussed the following points: (1) **SB 241** is unnecessary, (2) **SB 241** second-guesses school personnel, (3) **SB 241** would be a paperwork and compliance nightmare, (4) **SB 241** upsets the balance of interests, and (5) **SB 241** provides more funding for organizations, not services. He emphasized that problems that arise in schools are far from ideal and, under the bill, any action by the staff which fails to comply means breaking the law and opening the individual and the school up to legal action, which means additional legal expenses and more paper work. In his opinion, providing even more funding to organizations with the specific intent of advocating for more special education services would have a much greater impact on the costs of special education than funding the formula. (Attachment 4)

Andy Ewing, a special education teacher, testified in opposition to **SB 241**. He explained that he works with emotionally disturbed, behavior disordered children in a self-contained setting, and in rare instances, he is called upon to use restraint and time out procedures. He contended that the bill would not allow teachers to meet the challenge of abusive students. He noted that schools already include parents in the development of their exceptional child's education and behavior plans, and any concerns parents have are documented. In his opinion, the provisions of the bill would hurt children rather than help them because it does not address the real problem and it limits effective strategies. (Attachment 5)

Mercedes Arizpe, the mother of three special education children, testified in support of **SB 241**. She noted that non-English speaking families need support and encouragement to use information given to them by advocacy agencies. She spoke of her experiences with her children and her work with other parents who do not speak English. She explained that her fifteen-year-old son has been in special education all his school life, but she was never able to understand the services the school system could offer or how he was progressing because no one provided the IEP plan in Spanish or asked if she needed a translator. Two years ago, she became a home visitor for a Keys for Networking program, and at that time she had an opportunity to ask questions about her son's education and get information about how to be sure he gets the help he needs at school. She noted that parents in the Hispanic community want to become involved in their children's education and want them to succeed, but the schools do not give them the necessary tools to do so. Therefore, in her opinion, it is very important that the state provide funding for parent organizations to train and support parents of children in special education. (Attachment 6)

Aimee Keohne testified in support of **SB 241** as the mother of Connor, who has been diagnosed with post traumatic stress disorder (PTSD) and pervasive developmental delay (PDD). At the outset, she distributed a picture of Connor. She explained that he can no longer attend kindergarten because he was traumatized by the seclusion techniques used by school staff. After 45 days of school, he had been placed in a seclusion room up to six times a day for up to 25 minutes for a total of 83 seclusions even though his plan clearly stated that he would not be placed in seclusion. After his experiences in the seclusion, he went from 1.6 aggressions per week to 53 aggressions in one hour. After writing to the superintendent, the director of special education and the principle about the use of the seclusion room, she was told that she must stay with her son all day if he returned to school or they would go back to using the seclusion room because of the "zero tolerance" policy. Currently, he is receiving homebound education for two hours a week. She noted that she has been unable to continue her employment because she must stay home with her son due to his separation anxiety caused by his experiences in the seclusion room. (Attachment 7)

Deborah Howard, a member of the Keys for Networking Board of Directors, testified in support of **SB 241**. She explained that she is raising four grandchildren, and at various times all of them have had a need for special education. She emphasized the need for seclusion and restraint guidelines in public schools. She contended that families should be provided the assurance that they will have opportunities to be involved with

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and monitor the school's seclusion and restraint policy. She commented that seclusion and restraint must be done as an intervention, not out of anger or as punishment. She related two experiences in which a granddaughter was injured due to the school's restraint policy and inadequately trained staff. She noted that she was able to become an effective grandmother because she received information through the advocacy community, but not all families are aware of the services offered. In her opinion, the bill would address the need for parent information, training, and support. (Attachment 8)

There being no further time, Senator Schodorf asked remaining conferees to submit their written testimony. Testimony in support of **SB 241** was submitted by Bill Workman who emphasized the importance of parent advocacy agencies (Attachment 9), Lisa M. Smith, current co-chairperson for the Shawnee county Council of Community Members and the parent of two developmentally disabled children (Attachment 10), and Kevin Siek, a disability rights advocate for the Topeka Independent Living Resource Center (Attachment 11).

The meeting was adjourned at 2:30 p.m.

The next meeting is scheduled for March 8, 2005

**SENATE EDUCATION COMMITTEE
GUEST LIST**

DATE: March 7, 2005

NAME	REPRESENTING
David Corbin	KDOR
Molly Sussman	concerned parent
Tim Carpenter	C-T
Rocky Nichols	DRM
Melissa Horvath-Ummel	People First Language, concerned parent
Amanda Cross	KCSL
Brenna Wriston	The Farm, Inc.
Patricia Wain	
Andy Hill	
Val DeFaver	SPE
Doug Bowman	ccEcds
Bill Brady	SFFF
Steve Solomon	The Farm, Inc.
Don Torrey	
John Torrey	KSDE
TERRY FORSYTH	KWFA
Matthew Warner	Kansas Citizen
Jimmy D. Sanders	Kansas Youth
Glaine Frisbie	Division of the Budget

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GUEST LIST

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DATE: 7 March 05

NAME	REPRESENTING
Diane Gjerstad	USD 259
Deborah Horn	Keys for Networking
Mercedes Anzyl	parent
BILL REARDON	KCKs DIST 500
Joe	Keys for networking
Jane Hoff	KSDE
Jana McConnell	DRC
Kathleen Stilson	DISABILITY RIGHTS CENTER
Elizabeth Westmoreland	Keys for Networking
Bill Workman	parent w/ Keys for Networking
Sandra Hazellet	SRS ICFS
Sharon Joseph	KS ADAPT
Kevin Siek	TILRC
Glimee Keohane	Parent
Cathy Colantoni	Parent - Keys for Networking
Andy Ewing	Teacher USD 329
Bob VanDermer	Blue Valley USD 229
Jose Torres	SILK
Jennifer Schwartz	KACIL

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SELECT COMMITTEE ON
SCHOOL FINANCE
MEMBER: CORRECTIONS AND JUVENILE
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HOUSE OF
REPRESENTATIVESTestimony
HB2247

Thank you Madam Chairman and Senate committee members. HB 2247 was born out of frustration. Frustration from school districts telling me about the problem of obtaining school records for children within the foster care system of our state.

This summer when LEPC took an in depth look at Special Education there were some red flags about foster placements of children with special needs. The problems of knowing if there was an IEP, what services had been given to a child by the previous school, etc. Sometimes there were even questions of what school a child had attended previously because at enrollment the new foster family had no information.

School records are transferred from one school to another either by fax or mail. The parent or guardian must sign a form at the school the child is leaving giving information on where to send the records. It seems that SRS does not believe it has the authority to sign for the records, even though a child has been placed in their care.

A few years ago legislation was passed requiring records to be transferred in as little amount of time as possible. The problem did not get better. It is my hope by having the Secretary of SRS given the responsibility and have a report with details of time to transfer records the issue will improve.

The children in foster care need continual, consistent care which includes schools knowing their specific needs and addressing them. If the problem is with the method of moving a child or by the school system slow response, at least the provisions in HB2247 will give us information to know what the next step in the solution will be.

Thank you for your consideration in this matter.

Rep. Kathe Decker
64th District

*Senate Education Committee
3-7-05
Attachment 1*

Kansas Department of Social and Rehabilitation Services
Gary Daniels, Acting Secretary

Senate Education Committee
March 7, 2005

HB 2247 - Transfer of School Records

Senator Schodorf and members of the committee, I am Sandra Hazlett, Director of Children and Family Services with Social and Rehabilitation Services (SRS). Thank you for the opportunity to appear today to discuss HB 2247.

HB 2247 places responsibility for the transfer of school records on the Secretary of SRS when a child in foster care transfers from one school to another. The bill also requires an annual report to the legislature which tracks the date the records transfer is requested and when records are received. SRS supports the immediate transfer of school records to facilitate the ability of schools to meet the educational needs of these children. While some of the information contained in the required annual report is already collected, communication with each school to obtain the dates of each records transfer will require an additional staff person.

SRS, the Department of Education and the Juvenile Justice Authority (JJA) collaborated to develop the Educational Enrollment Information Form (EEIF), which provides schools with essential information about students in out of home placement at the time of their enrollment. This form has been in use since 2001.

These same agencies also collaborated on a web-based system, the Foster Care Database. The data base includes the same information as the paper form, plus Individualized Educational Plan (IEP) data. Schools, SRS and JJA have access to the data base. The database was implemented at the beginning of the 2003-2004 school year. It was recently discovered many schools were unaware of the database and some were precluded from using it because they did not have access to the internet. As a result, the paper process continues to be used in addition to the database.

SRS, JJA, and Department of Education continue to strongly support use of the Foster Care Database as the best means to ensure timely transfer of records. Meeting the educational needs of foster children is a shared value for state agencies, contract agencies and local schools. These collaborative efforts will continue as we work with communities to meet the needs of children and will include immediate implementation of HB 2247 should it pass.

SRS' new child welfare contracts which begin July 1, 2005, require contractors to keep children in the same school whenever possible. This new requirement should reduce the number of record transfers and benefit children.

Thank you for the opportunity to provide input on this bill; I would be happy to respond to questions.

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3-7-05
Attachment 2

Kansas Department of

Social and Rehabilitation Services

Gary J. Daniels, Acting Secretary

Senate Education Committee
March 7, 2005

HB 2247 - Transfer of School Records

Integrated Service Delivery
Sandra C. Hazlett, Director
Children and Family Services
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For additional information contact:
Public and Governmental Services Division
Kyle Kessler, Director of Legislative and Media Affairs

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KANSAS
ASSOCIATION



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SCHOOL
BOARDS

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Testimony on
HB 2247 – Transfer of Pupil Records

Before the
Senate Committee on Education

By Mark Tallman, Assistant Executive Director/Advocacy
March 7, 2005

Madam Chair, Members of the Committee, KASB strongly supports **HB 2247**.

Many children in the custody of SRS are children in need of special services at school. Whether these children are in need of such services or are able to participate in the regular educational program, the more quickly schools can review student records and provide appropriate educational experiences, the more quickly they can help students. When there are long or frequent delays in obtaining needed information regarding students – the students suffer.

Information from our members is anecdotal as to the number of children transferring within or between districts as a result of decisions by SRS. However, it is clear that there are a sufficient number to warrant requiring a rapid transfer of records as well as a review of the number and circumstances of these transfers.

Thank you for your consideration.

*Senate Education Committee
3-7-05
Attachment 3*



Testimony on
SB 241 – Special Education Seclusion and Parent Support

Before the
Senate Committee on Education

By Mark Tallman, Assistant Executive Director/Advocacy
March 3, 2005

Madam Chair, Members of the Committee:

Thank you for the opportunity to comment on **SB 241**. We appear in opposition to this bill.

SB 241 is unnecessary. Special education students and families already have extensive procedural and due process rights under federal law and regulation, under state laws, and under the oversight of the Kansas State Department of Education. There is no evidence that special education students are being abused by the use of seclusion and restraint in Kansas public schools. Of course, there are and always will be differences of opinion over the best course of action in difficult, even dangerous situations regarding students. We believe that well-trained professional educators who have dedicated their careers to working with children, including those with special needs, do their best. Some parents will not agree. That does not mean the system isn't working.

SB 241 second-guesses school personnel. This bill would write into state law an incredibly prescriptive process for dealing with students who may cause danger to themselves and others, and who may create a disorderly environment for other students and staff. It seems to assume that school personnel cannot be trusted to make decisions about the health and safety of students. It seeks to micromanage every aspect of any circumstance when students need to be restrained, removed or isolated due to their disruptive or dangerous behavior. Frankly, it underscores the very problems schools face in finding qualified staff to fill special education positions.

SB 241 would be a paperwork and compliance nightmare. One of the major complaints about special education is the amount of reports, forms, and documentation required. This bill would dramatically increase paperwork. In many ways, it seems almost impossible to enforce. Seclusion must be measured to the minute. Staff must remain within two feet of a seclusion room, in visual contact "at all times." Any "restraint" must be witnessed by at least one adult who does not participate in the restraint, under specifically prescribed guidelines. Restraint can only be applied if the student poses "an imminent risk of substantial physical harm to self or others," and only by school personnel who have received training under this bill. Additional training is mandated when the state has not provided any assistance for the professional development program already required by state law for all teachers.

All of these requirements may seem reasonable under ideal circumstances. But the problems that arise in schools are far from ideal. There is not always a trained staff member available, or a back-up witness. Decisions must be made in a split second about what might develop, and how to respond.

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3-7-05
Attachment 4*

Under this bill, any action that fails to comply means breaking the law and opening the individual and the school up to legal action, which, at a minimum, means additional legal expenses and more paperwork.

SB 241 upsets the balance of interests. KASB supports the goal providing students with disabilities a free, appropriate public education as required by federal law. But we believe that there are rights and interests of other students and staff that must also be considered. **SB 241** largely ignores these concerns. One example: it requires each district to create a “human rights committee” to review documentation on the use of seclusion or restraint which includes parents of and advocates for students with disabilities, but no representatives of other parents. How do you explain to a parent that a child was hurt by a student who was not restrained because the injury might not be “substantial”?

SB 241 provides ^{more} funding for organizations, not services. At a time when special education services are significantly underfunded, this bill requires the Kansas State Board of Education to grant \$1.2 million to three organizations serving special education interests. Since there is no appropriation in the bill, these funds would presumably take precedence over any other program that is funded through the State Board. Even though this bill calls for more training of staff, the funds would be used to train parents and pursue litigation against school districts, presumably for failing to follow the requirements and documentation demanded by this bill.

In recent years, some legislators have actually opposed full funding of the current special education funding formula because it could lead to “overservice.” We are quite confident that providing even more funding to organizations with the specific intent of advocating for more special education services would have a much greater impact on the costs of special education than funding the formula.

Thank you for your consideration.

What's Wrong With SB 241?

Name: Andy Ewing

Position: Special education Teacher: Mill Creek Valley Jr. High

Recently a friend and colleague, who happens to be a kindergarten teacher, shared her experiences as she began the school year. One of her students was misbehaving, and after repeated attempts to draw him into the learning process, she finally separated him from the rest of the class by moving him to an assigned seat away from the class, close to the teacher's desk in the "time out" area of the room. As she guided little "Johnny" to the new location he became very abusive, finishing his verbal attack with "You can't put me here, It's against the law!" The next day another kindergarten boy threatened to have his big brother come in to beat the teacher up for her attempts to discipline him. As humorous as these anecdotes are there is a serious underlying problem. Imagine 8 or 10 years down the road. These same youngsters who do not believe that teachers have the right to discipline them now, in all likelihood, will be an even greater challenge then.

SB 241 does not allow us to meet this challenge. Schools include parents in the development of their student's education and behavior plans, and positive behavior supports are already required by law – have been for some time. In other words, parents already have the opportunity and indeed the responsibility to guide their exceptional child's education. These are good things of which I am confident you are aware. I'm here to offer an inside perspective into the issue at hand.

Here it is: SB 241 would limit professional educators' ability to work with children doing damage to the education process – it would hurt children rather than help. For instance can you imagine only one minute per year of age to calm down and compose one's self! As an adult I need more minutes than my years of age doubled at times! Worse, SB 241 never addresses the **real** problem – It is only when students are not engaged in the education process, and are in danger of hurting themselves, hurting others, or are creating an environment in which others cannot learn, that seclusion or restraint become issues. Let me be clear: This bill does not offer solutions for these circumstances it only limits effective strategies!

Let me offer an example to illustrate what we face in the classroom. Many years ago a young blind, deaf girl – who later described herself as unruly and extremely difficult to manage, had grown up having everything done for her by loving parents. One day she was introduced to a new person in her life, a tutor, hired by her parents. This tutor (Anne Sullivan) expected many things from the girl. The girl was outraged! Making a blind girl feed herself? Tie her shoes? Brush her hair? Terrible! She threw tantrums before her tutor and she wept before her parents. Her parents hated to see her struggle, their hearts went out to her. They decided though, to support the tutor, who fervently believed that their daughter had great potential. We all know the name Helen Keller because they did. SB 241 requires the same decision today. On behalf of the many concerned, caring, and hard working special education professionals fervently trying to provide an education for our students we ask that you not make our work more difficult by enacting this bill.

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Attachment 5

March 3, 2005

Madam Chair and Members of the Committee:

My name is Mercedes Arizpe. I am from Topeka and I am the mother of six children. Three of my children receive special education services. I am here to ask you to support Section 9 of Senate Bill 241 because I have experienced the need to receive training and information about the special education system. I would especially like to tell you about how much non-English speaking families need support and encouragement to use information given to them by the advocacy agencies. I would like to speak to you today about not only my experiences with my children, but also about what I have seen in working with other parents in Topeka who do not speak English.

My son Marco is 15 years old and has ADHD. Marco is in 9th grade but reads at a 3rd grade level. Marco has been in special education as long as he has been in school. However, it has only been in the past few years that I have been able to understand the services the school system could be offering. For many years, I went to IEP meetings where everyone spoke English, except for me. To this day, no one has asked me if I need a translator at meetings, or provided the IEP plan to me in Spanish. I did not know what was happening; I just signed the papers I was given. I knew that Marco couldn't read, but I did not know that Marco was not making progress and I couldn't understand the information the school gave me. I didn't know that he was not doing well, I also didn't know if his IEP plan was working. I didn't know to ask for more help for him.

Two years ago, I was hired to be a home visitor for the Home Instruction for Parents of Preschool Youngsters Program at Keys for Networking. At this job, I had the opportunity to start asking questions about my son's education and to get information and training about how to

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Attachment 6

make sure he gets the help he needs at school. It has taken me many years to understand that school services are out there. When I started attending trainings and getting information from Keys, I found out that there are many ways to help him succeed at school so that he can have the chance to succeed in life. When I found out all the ways I could help my child do better in school, I realized that, as a parent, I can help my child succeed, but only if I have the information and training that I need.

As a home visitor and as a member of the Hispanic community, I have seen too many parents like me who do not have any way to be supported or involved in their children's education. Not only are there language and cultural barriers, but the schools do not provide information that these parents can understand or training to help them know how to be involved. These parents want to help their children succeed, but the schools do not give them the necessary tools to do so. Only parent advocacy organizations like Keys for Networking provide these important services. That is why it is so very important for you to support this bill to give state funding for parent organizations to train and support parents of children in special education. If these organization cannot give parents the information they need, it is the children who will suffer.

March 3, 2005

Dear Madam Chair and Members of the Committee,

My name is Aimee Keohane and my son is Connor Keohane. We live in Gardner, Kansas in Johnson County. Connor is 5 years old and he is diagnosed with PTSD and PDD. My son attended preschool last year and kindergarten part of this year at Gardner Elementary School. He is now receiving homebound education for a total of 2 hours each week. He no longer is attending Gardner Elementary because he has been traumatized by the seclusion techniques used on him by the staff at this school. I am here today to ask you to support Senate Bill 241 so that children like Connor will be protected from inappropriate and harmful uses of seclusion and restraint techniques in Kansas' public schools.

In April of 2004, Connor's IEP team wrote his behavior plan for the 2004-2005 school year. Since Connor's aggressive behaviors were minimal at 1.6 per week, the IEP team agreed that the use of restraint or a "safe room" for seclusion was not necessary. In the plan, it clearly states that the "safe room is to be replaced with safe area," such as a spot in the corner of the classroom with a bean-bag chair.

Approximately 45 days into this school year, I found out that my son was being placed in the "Seclusion Room," even though his plan clearly stated that this was not supposed to happen. After only 45 days of school, Connor had been placed in the Seclusion Room up to 6 times in one day, for up to 25 minutes per incident, for a total of 83 seclusions. Even after the principal promised he would not be placed in the seclusion room any more, he was secluded 5 more times. I have included photographs of this seclusion room at the back of my written testimony.

Connor already suffered from PTSD before his seclusions. His child psychologist at KU, who specializes in PTSD, has acknowledged that Connor has been re-traumatized from the 83 seclusions: he has night terrors, bed-wetting, and separation anxiety. Connor cries and

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Attachment 7*

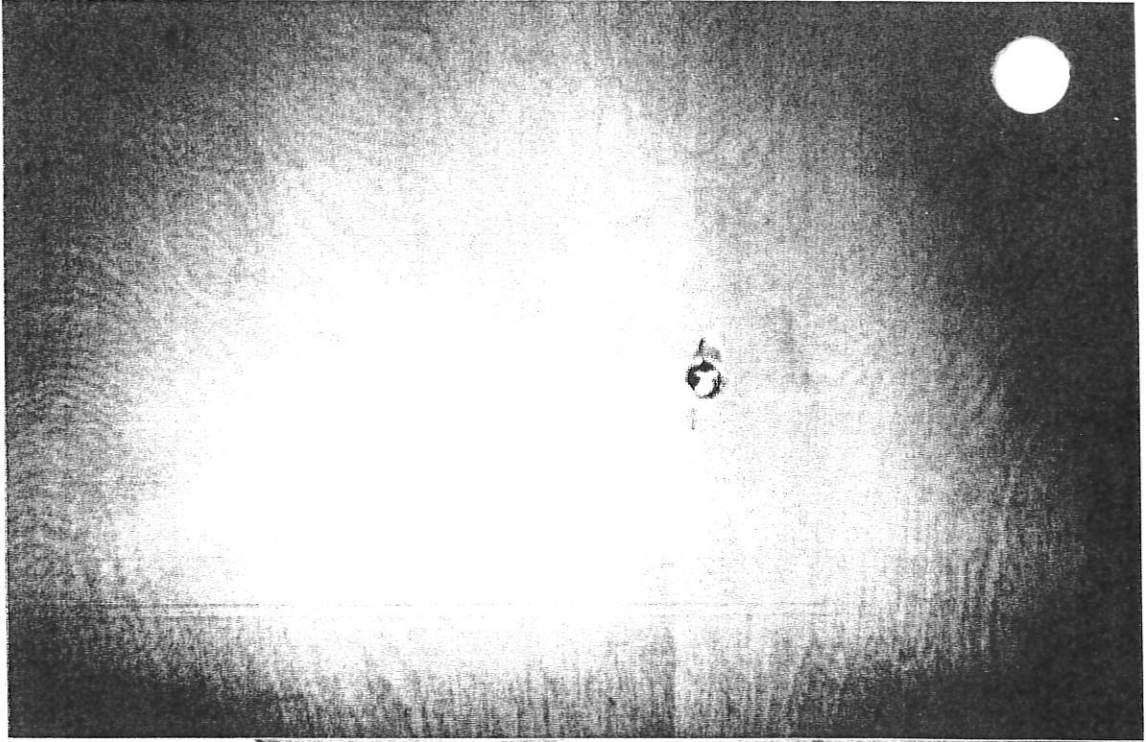
tells me "I'm all broken." When I tried to take Connor back to school after a brief absence, he ran to the seclusion room, banged on the door repeatedly and yelled, "no more, no more, tell momma, tell momma". After his experiences in the seclusion room, Connor went from a mere 1.6 aggressions per week to 53 aggressions in 1 hour. The use of the seclusion room has obviously not been effective in controlling Connor's aggressive behaviors.

I have written letters to the superintendent, Bill Gilhaus, the director of special education, Judy Martin, and the principal, Christi Whitter. The result of my letters was that I was told that if my son were to return to school, I would have to stay with him all day or they would go back to using the seclusion room because of the "Zero Tolerance" policy. I cannot take my son back to this school; he is too severely traumatized.

There are currently no state laws to regulate how schools use seclusion and restraint. There are no monitoring devices to protect children like Connor from this type of unnecessary abuse. Without state standards, there is no limit to how these seclusion rooms can be used. Seclusion and restraint must be used properly, carefully, and as a last resort. The state needs to set standards for the use of seclusion and restraint in schools and encourage the use of positive behavior interventions so that it does not become necessary to use seclusion and restraint. I ask you, please, support Senate Bill 241 so that our children do not have to suffer from the inappropriate, abusive use of seclusion and restraint. Thank you for your time.

Aimee Keohane
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aok@kc.rr.com

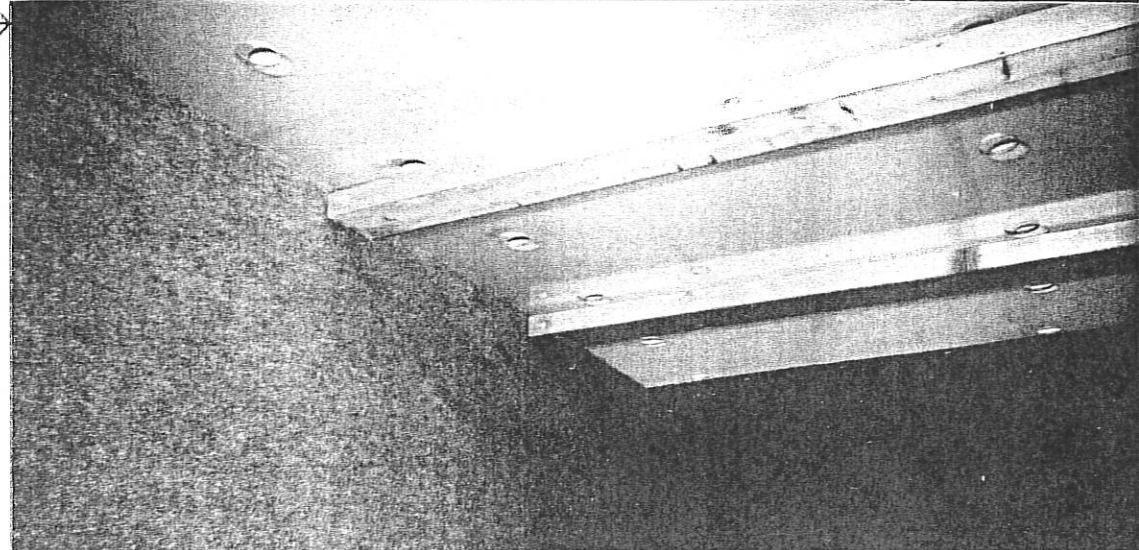
view
Hole →
in Door



Less than
5' by 5" in diameter
in the Childs (K)
classroom



Ceiling →
Plastic



wall →
plywood w/
out door carpet
on walls.



2071 06990401 03B 07360

Connor
Keohane
7-4

March 7, 2005

To: Madame Chair and Members of the Committee

My name is Deborah Howard. I live in Lawrence where I am raising my grandchildren. I serve as a member of the Keys for Networking Board of Directors.

I have come today to speak about the need for seclusion and restraint guidelines in the public schools and to ask you to provide assurances that families will have opportunities to attend and use trainings regarding identification issues, developing individualized education plans, implementing the plans, monitoring the plans, partnering with teachers, connecting to the school agenda, etc.

I can relate two experiences with seclusion and restraint. The first is to illustrate for you that these procedures when applied to emotionally fragile children exacerbate their illnesses. When seclusion or restraint is employed, they must be done so as an intervention, not out of anger, punishment or fear. With the absence of policies and training, staff do what the district expects. They have no protection to say I am not trained to restrain or to physically move a child. One of my granddaughter's teachers wrote me one day—when Brooke was in sixth grade—to let me know that Brooke had been injured as the teacher was moving her into time out. Brooke had been injured. The teacher apologized to me.

The other incidence occurred when my granddaughter refused to get on the bus, which was to take her home after school. The principal decided to manhandle her and put her on the bus even though trained staff were available to talk to her. This ended up in the bus staff calling the district office for help because they were afraid my granddaughter's arm would get broken. I was called. When I arrived at the school, she was still in the position of both feet, both arms pushing away from the bus door, I asked her why she would not get on the bus. She said, "I am afraid, every day there is a different driver, a different number on the bus." With the IEP team, we designed a plan where the same person, same vehicle would pick her up. When that person was not available I picked her up.

I also came to speak to you about the need for parent information, training and support. What has helped me help my grand children is the information, the access to national information that I receive through the advocacy community. These organizations provide training, information updates, when requested support at meetings. I am effective as a grandmother because agencies, which serve my grandchildren, know that I know what they are supposed to offer us. Because I know, services are offered. This does not happen to other families who are unconnected.

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March 7, 2005

Madam Chair and members of the Committee,

I want to thank you for allowing me to speak to you and the committee today. I understand that time is short so I will make this brief. My name is Bill Workman and I am from Topeka. I would like to tell you about the importance of parent advocacy agencies like Keys for Networking, from my point of view as the parent of children with special needs. I have 4 children, two natural and two adopted. The adopted children are now a 14 year old girl and her 12 year old natural brother. Both have to one degree or another Reactive Attachment Disorder, and both have learning/behavioral disabilities to one degree or another.

My son has been in special education since he was 3 and half years old. In my opinion, my family has been manhandled and bullied by USD345 for years--we would go to an IEP meeting for my son and when we came out of there we felt like we had been patronized when we tried to provide input. We didn't have any idea of what an IEP really meant in regard to our ability to have some control over what was done with our child educationally. As a result, our son was not getting an education--his academics were stunted because he was in time out or suspended a good deal of the time, or medicated so that he didn't know what was going on. My wife and I had no idea what rights we really had under the law in regard to assuring our son received a proper education. That is, up until about 2 years ago when Family Service and Guidance Center referred us to Keys for Networking. Since then, Keys has advised us and been our advocate and has helped us get USD 345 to be in compliance with the law in

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providing our son an education. Keys explained to us that the law is very specific about what districts and schools have to do and that we had the right to say no to some of the things they had mapped out for our son that were not in compliance with the law. It has been a very slow process. However, now when I go to meetings, I know that if I am not comfortable with something I have the right to request rescheduling the meeting to obtain input and guidance from Keys.

Without agencies like Keys For Networking and its director Dr. Jane Adams and her wonderful personnel, many families and parents in Kansas would still be suffering at the hands of those school districts that choose not to make sure parents are informed beyond handing them a thick packet of paper that is supposed to explain parental rights. Even now, families are suffering if they don't have the help and support of some form of advocacy agency or group. Again I want to thank you for this opportunity to speak. My family and I really hope that you will promote the passage of Senate Bill No. 241. If you have any questions, I would be more than happy to answer them.

Bill Workman
Topeka, Kansas
785-246-2606

March 7, 2005

As current Co-Chairperson for the Shawnee County Council of Community Members, and as the parent of two developmentally disabled children, I am here to ask for your support of Senate Bill No. 241.

Over the past 7 years, my Council position as a consumer representative for those with developmental disabilities has provided me with the unique opportunity to interact with many special needs families. It's been my experience that within these families effective self-advocacy skills are crucial to both their immediate well-being as well as their long-term outcome, yet their abilities in this area are highly variable. Adequate understanding of rights, rules, and regulations are critical when making decisions for our children and the flow of communication between families and schools is a necessity, not a luxury.

School professionals enter the special education arena armed with research, data, the advice of various legal professionals, and the support of other co-workers, the school itself, and the district as a whole. In addition, they are provided with ongoing continued education and professional training opportunities designed to improve their skills and increase their understanding of rights and responsibilities pertaining to special education. They are ultimately in this field of work by choice.

Parents, on the other hand, often find themselves unexpectedly thrust into the special education arena, where they are immediately surrounded by professionals and authority figures at a time of high stress in their personal lives. In comparison to other IEP team members, the parents have a higher level of accountability for the overall welfare of the child. They find themselves in a foreign world, one in which they have not yet been taught the language - nor do they have any guaranteed right of ever being taught the language. Never the less, they are expected to effectively communicate with the school and will be held accountable for their child's well-being. This sets the stage for an unproductive and adversarial relationship between the family and school.

In my 19+ years as the parent of special needs children I've learned that:

- ❖ Members of a child's school team come and go over the years. It is the parent who is the primary source of continuity from year to year. Consistency is crucial to a child's level of functioning. In order to create and implement meaningful and consistent services for a child, parents and schools must have both a shared understanding of each child's unique needs and an agreed upon approach to provide for those needs.

- ❖ Children who are not well supported within the school setting are at risk of experiencing an increased level of struggle. Their struggle is not confined to school hours and can eventually become a destabilizing force within the family environment. Parental involvement is critical in order to maintain the child in all arenas of life - including the educational setting.
- ❖ To fully and adequately participate as a member of the special education team, it's necessary for parents to be fully informed of their rights and responsibilities and they must have the skills needed to exercise those rights. They must also be adequately supported in learning how to both exercise their rights and meet their responsibilities. Rights become meaningless when individuals are either unaware of them or lack the capacity to exercise them.
- ❖ Special needs don't go away upon graduation. Our children will enter an adult world where they and/or their guardians must effectively communicate and self-advocate on a daily basis. As parents, we must role-model the advocacy skills our children will need to learn. We cannot teach that which we do not yet know ourselves.

Parents and school systems play critical roles in shaping the futures of our children. As parents, our levels of participation and decision making within the lives of our children will have a direct and lasting impact on their ultimate well-being.

Advocacy organizations foster meaningful and productive parental involvement within the school system by providing parents of special needs children with crucial supports and training programs. These agencies are unique in the sense that their involvement in the lives of the families they serve is not strictly limited to the academic setting. This allows for a better understanding of the families which they serve. Advocacy organizations are uniquely qualified to provide meaningful support and training to parents of special education children in a non-judgmental atmosphere free of the potential conflicts of interest which might arise if those same services were provided elsewhere.

I ask you to join me in the belief that the welfare of our children is not a negotiable item. Please support the important and needed efforts of advocacy organizations in training parents of children in special education by voting in favor of Senate Bill No. 241.

Sincerely,

Mrs. Lisa M. Smith, Co-Chairperson
Shawnee County Council of Community Members (CDDO)
785-273-2747



Topeka Independent Living Resource Center

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501 SW Jackson Street • Suite 100 • Topeka, KS 66603-3300

Testimony Before the Senate Education Committee in Support of SB 241 March 7, 2005

Chairman Schodorf and members of the committee thank you for the opportunity to appear before you today. My name is Kevin Siek and I am a disability rights advocate for the Topeka Independent Living Resource Center. Our agency is a civil and human rights organization, with a mission to advocate for justice, equality and essential services for all people with disabilities.

Testimony you have heard from numerous parents of children with disabilities should make it abundantly clear that currently there is a hodge-podge of seclusion and restraint policies in our schools. We support SB 241 because we see the pressing need for uniform, statewide standards on the use of seclusion and restraint.

SB 241 has been carefully crafted using the best practices from the nearly one-third of the states who already have standards. This bi-partisan legislation seeks to strike a balance between protecting our children's rights and providing clear, practical standards for schools in the use of seclusion and restraint.

Children with disabilities, who receive services in our state institutions, such as Kansas Neurological Institute here in Topeka, are already protected by such standards. It is only equitable and right that we should extend these same protections to the children in our public school system.

SB 241 is good legislation for all parties concerned because it will provide clear guidance to schools on when the use of seclusion and restraint is appropriate, it will protect the rights of our children with disabilities and it will provide training for parents in an effort to create a less adversarial relationship between parents and school personnel.

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Advocacy and services provided by and for people with disabilities.

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