

Our Support of HB 2444 – Freedom from Unsafe Restraint & Seclusion Act

Kelsyn Rooks Sr.
Overland Park, KS

Kelsyn Rooks Jr. is a 9 year old who lives in Overland Park, KS. Kelsyn was diagnosed with Autism at 2 years old, and is verbal and high functioning, falling within or above the state averages on the most recent academic assessments. Our family moved to Overland Park, and the Blue Valley School District (BVSD), in 2006 when Kelsyn was 4, for their reputation as having the best special needs programs in the greater Kansas City area.

In August 2007 Kelsyn entered into a mainstream kindergarten class at his home school in BVSD. There he participated in the regular kindergarten classroom with the help of a paraprofessional. During the course of this year, Kelsyn started responding to some situations by hitting and pulling the hair of teachers and his para.

In August 2008 Kelsyn began First Grade in BVSD. Kelsyn had an entire new team (other than his paraprofessional) and within the first week the responses to some of his behaviors such as loud noises, and failure to follow directions were met with physical escort from the classroom.

- Kelsyn was spending most of his day in the Resource Room, with little to no focus being placed by the staff on his academic curriculum or progress. Within 2 months, the IEP team met and started discussing alternate placement.
- Our two biggest concerns about the recommended program were:
 1. The use of restraint and the use of the Seclusion or “Safe” room, which is a padded room the size of a closet, locked from the outside by a staff member pushing a button. We were provided verbal assurances that these techniques would be used only under the most dangerous situations, when there was fear of injury to Kelsyn or others, however the district was unable or unwilling to provide anything in writing as far as standards or guidelines for their use.
 2. the ED/BD nature of the program (as opposed to it being an Autism program), and the methods and tools available to help our son with his needs.
- Despite concerns, this was ultimately the only option provided by BVSD, and Kelsyn was then placed in this ED/BD program. Within the first week of being in the ED/BD program, Kelsyn Jr. had been placed in the Seclusion room for screaming and shouting, for silly behavior, and for upsetting the other kids in the program.
- Over the weeks that followed, the staff at CPE restrained and carried Kelsyn to the Seclusion room multiple times per week, with him spending as much as 86 minutes in the Seclusion room and as many as 10 times per day.

In November of 2008, Based on data collected, BVSD’s BCBA (Board Certified Behavior Analyst) determined that the seclusion room was not reducing behaviors, but was instead increasing the

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frequency and intensity of his behaviors. Kelsyn continued to hit his teachers and throw his supplies, all the while we were not seeing these types of behavior at home.

- What did happen at home was that Kelsyn Jr. began to show signs of separation anxiety, not wanting people to leave the room he was in, or shut a bedroom door. Sleep patterns also began to deteriorate. To this day Kelsyn Jr. still shows signs of separation anxiety and has sleep issues.
- At this point, in November 2008, we withdrew our support of the seclusion room. First grade was completed and we had many conversations about the following year, including pressure from the BVSD and the IEP team to allow them to begin using the Seclusion room again, even though nothing had changed.

In August 2009, Kelsyn began Second Grade in the ED/BD Program in the BVSD. **Without** the "Seclusion Room" as a primary tool, the staff at CPE seemed to lack other options to deal with Kelsyn's behaviors. **By now the staff was restraining or carrying Kelsyn multiple times per day, every day of the week.**

BVSD has no policy or procedures in place for documenting the events where seclusion or restraints were used. In place of the Seclusion room, Kelsyn was made to go to a "Quiet area" in class. This was a corner of the room, walled off with two bookshelves with a bean bag inside. He reported and it was witnessed that he would be blocked into this area by staff members.

By October, because of issues between students in the ED/BD classroom, Kelsyn Jr. was relocated to a staff office, where he was kept in seclusion for most of the day. The window to this office was blocked with paper, and on more than one occasion the door was locked. During this time period, and our frequent trips to pick up Kelsyn from school for "suspensions", we witnessed on multiple occasions incorrect restraints, some examples being:

- Kelsyn Jr. sitting in a chair and having 3 people hold him down, including one holding his arms from behind, while one staff member stood over him and scolded him. (October 7, 2009)
- Kelsyn Jr. being restrained across the laps of 2 staff members who were seated in chairs. He was being held face-down and was thrashing around and at risk of falling to the floor. (October 27, 2009)
- Kelsyn Jr. being carried by his arms and legs, spread-eagle, through the hall, again at risk of falling to the floor, or damaging to his joints and limbs. (September 3, 2009)
- Kelsyn Jr. naked on the floor with one teacher kneeling on him, pinning his thighs with her knees, his wrists with her hands, while another staff member was screaming at and berating him. (October 28, 2009)

We attended numerous meetings with BVSD to discuss their use of seclusion and restraint with our son. By November 2009 we were refusing to allow BVSD to use either Seclusion or Restraint with our son.

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Even though we looked at filing a Formal Compliance Complaint or a Due Process Request, we were concerned about being able to afford attorneys, concerned that Kelsyn would lose valuable time in his education during Due Process, and concerned that there were no clear laws on our side with regard to the use of seclusion and restraint. In the end, we decided to use our time and energy to help Kelsyn succeed in a private placement.

Kelsyn was placed at Kansas City Autism Training Center (KCATC) starting in January 2010 (second semester of second grade). KCATC immediately began implementing positive behavioral supports and research based interventions. The staff constantly evaluated whether programs were working and adjusted them as needed. Kelsyn began responding to his teachers at KCATC without hitting, pulling hair, or throwing things within the first few months of being at KCATC.

As of March 2012, Kelsyn is doing very well at KCATC. **Kelsyn has exhibited almost zero instances of aggressive or destructive behavior during the past year at KCATC.** We as his parents, as well as people who work and interact with Kelsyn every week, feel that the misuse of seclusion and restraint cost us valuable time and did lasting emotional and psychological trauma to Kelsyn.

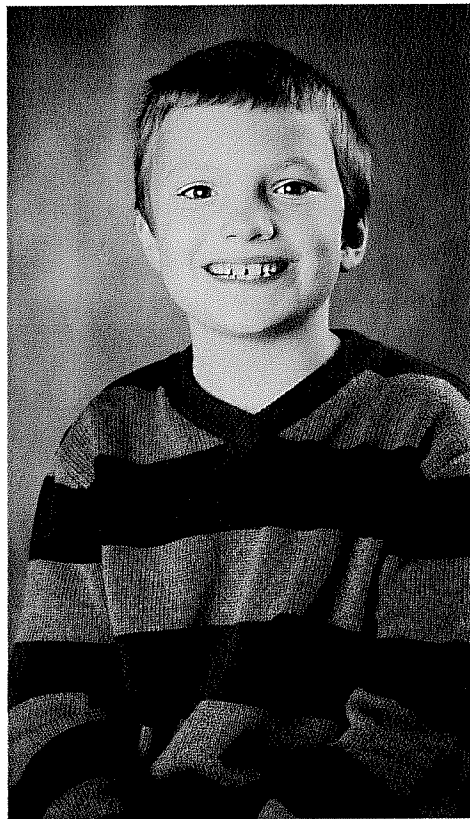
This week, in meetings with the district regarding possible transition back to a BVSD school, we were again pressured to consent to the use of a seclusion room and restraint. Verbal assurances were given that it would be a "last resort" measure only, but they are still insisting that seclusion and restraint be a part of the program that Kelsyn Jr. would be allowed to return to. This is even after they have witnessed and admitted to the progress he has made in the last two plus years without them.

Our family strongly supports passing HB 2444 into law so other children, throughout the state, do not have to experience the traumatic seclusion and restraint issues that our son went through in BVSD.

Testimony in Support of HB 2444

By

Kelsyn Rooks



Senate Education Committee

March 8, 2012

Senate Education Committee
Date: 3-8-12
Attachment # 6-1

