

March 7, 2012

Senator Schodorf and Members of the Education Committee:

Thank you for the opportunity to provide my testimony today. My name is Aimee Keohane and I am a parent of child with Autism Spectrum Disorder. I have been before many of you several times over the past eight years addressing this very issue on seclusion and restraint. Although my family's story is one that you may have already heard, it deeply concerns me that today, seclusion and restraint is not yet regulated and is a bigger issue than ever before.

My son Connor began pre-school in 2003 in the Gardner-Edgerton School District at the age of four. During this time, Connor was also on the wait list to be tested for Autism Spectrum Disorder. Connor was enrolled in the districts "Communication Classroom" which is, according to the district, exclusively for children on the spectrum. In April of 2004 we reviewed Connor's Individualized Education Plan (I.E.P) and the entire team agreed that seclusion and/or restraint were not necessary for Connor. Connor continued his regular school year, his extended school year, and eventually went on to resume school for the 2004-2005 school year. It was written in his I.E.P that he would attend Kindergarten in the first half of the day and the "Communications Classroom" the second half of the day. As the first weeks progressed, I was given daily notices with "Smiley Faces" indicating Connor had a good day. I did, however, have concerns due to Connor's marked signs of regression. During a fall evening, I was attending my daughter's play at the school and I happened to walk by Connor's "Communications Classroom." I noticed a wooden box, referred to later as the "Safe Room." When I asked the school staff what the wooden box was, I was told that it was "one" of the school's safe rooms. Needless to say I was extremely alarmed. This was also the time parent/teacher conferences were being held and I met with Connor's Kindergarten teacher along with his Special Education teacher. During this parent/teacher meeting, I was told that Connor was meeting all of his goals including his behavior goals. I asked if Connor was ever put into the safe room for behaviors and the meeting was abruptly terminated by the special education staff member and I was told that they didn't have time to address "that" issue.

Following this meeting I went to administration building and requested copies of my son's files. The secretary complied and made copies while I waited. I was attempting to leave the building when I saw the Director of Special Education. She walked up to me and told me that I couldn't have the copies and forcefully removed them from my hands.

It wasn't until I hired an attorney that was I able to have access to all of my son's files. During this process, it was discovered that my son was secluded in the safe room 87 times and up to 6

times a day since the first week of school through October. (Late August through October of 2004). I immediately wrote a letter to the Principal stating that seclusion was not part of my son's I.E.P and the use of the safe room was to stop immediately. The Principal agreed, however, on Friday of that week, the Director of Special Education called and left a message on my answering machine stating that my son was in fact secluded several more times.

After watching my son significantly regress, I took him to the Kansas University Medical Center for help. The diagnosis was that Connor suffered from Post Traumatic Stress Disorder and Generalized Anxiety Disorder from the 87 seclusions. The Doctors from Kansas University were adamant that the use of seclusion and/or restraint were detrimental to Connor's health and specifically wrote a letter to the school imploring that they seek alternative methods due to the harmful effects of their interventions. However, the school ignored the letter and continued to seclude him repeatedly. Connor regressed even further, to the point where it was impossible to get him to walk through the front doors of the school. The school agreed that he was traumatized and provided minimal home bound services for the remainder of the school year.

When school resumed for the 2005-2006 year, the school refused homebound services and wanted Connor back in school and to continue the use the safe room. I refused. We had several meetings with attorneys and we disagreed about seclusion and restraint. After exhausting all avenues, I filed due process. In retaliation, the school reported me to SRS as a negligent parent and was seeking to have Connor removed from my custody. The charges were dropped and the appointed attorney for Connor wanted to pursue legal action against the school due to the facts that were revealed in the school's documentation on Connor's seclusions.

In the I.E.P meetings post 2007, the district had requested to add restraint (again) to my son's I.E.P. I was told that they cared more about my son than I did, and they were advocating for my son more than I was, because restraint would "protect him". When I refused, I was told that they (the district) would have him arrested if there were "any" type of incident. I further asked to have the Seclusion and Restraint recommendations attached to his I.E.P in order to make them binding and enforceable, however the school refused that request and in return the school gave the following response: "We have a policy in place that applies to the entire district; therefore it applies to all students, including Connor". The school also tried to force the wording on my son's I.E.P that I have read and completely understood the school's policies. I again refused.

A valid question might be "why don't parents file a complaint or go to due process over this issue?" As one of those parents I will tell you why. I had accumulated nearly \$45,000 in attorney's fees, the school retaliated by reporting me to SRS seeking to have my son removed from my custody, and the emotional drain is beyond anyone's understanding. It is my opinion, that most parents don't and won't file a complaint and/or go through due process (in addition to

the above mentioned reasons) is simply that the State of Kansas currently does not have enforceable regulations in place, therefore the complaint is moot.

After many years and tears, lots of energy and money, I am happy to say that we have come to an agreeable middle ground and my relationship with the district is now what I consider strong. I am, in fact, an invited member of the Special Services Parent Advisory Council and meet with the Director of Special Education on a regular basis. The very reason I make this point, is that the years of agony and lack of progress for Connor, should have and could have been prevented "if" enforceable regulations were in place.

I am only asking for clarity. Regulation on Seclusion and Restraint is necessary in order to protect our children and our schools. It is my opinion that parents and the State Board of Education are not fully informed of the true data of what seclusion and restraint looks like in our schools in Kansas.

In conclusion, I am in full support of House Bill 2444.

Please feel free to contact me with any questions or concerns.

Sincerely,

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