



Families Together, Inc.

Parent Training & Information Centers for Kansas

March 8, 2012

Home Page:
<http://www.families-togetherinc.org>

Administrative Center
313 N. Seneca
Wichita, Kansas 67203-5951
Voice/TDD (316) 945-7747
1-888-815-6364
Fax (316) 263-0031

Wichita Parent Center
3033 W. 2nd, Suite 106
Wichita, KS 67203-5369
Voice/TDD (316) 945-7747
1-888-815-6364
Fax (316) 945-7795
wichita@families-togetherinc.org

Topeka Parent Center
501 Jackson, Suite 400
Topeka, KS 66603-3300
Voice/TDD (785) 233-4777
1-800-264-6343
Fax (785) 233-4787
topeka@families-togetherinc.org

Garden City Parent Center
1518 Taylor Plaza
Garden City, KS 67846-4055
Voice/TDD (620) 276-6364
1-888-820-6364
Español (620) 276-2380
Fax (620) 276-3488
gardencity@families-togetherinc.org

Kansas City Parent Center
1333 Meadowlark Ln., Suite 103
Kansas City, KS 66102-1200
Voice/TDD (913) 287-1970
1-877-499-5369
Fax (913) 287-1972
kansascity@families-togetherinc.org

Statewide Spanish Parent Line
1-800-499-9443

Senator Schodorf and members of the Education Committee:

Thank you for the opportunity to provide testimony today. My name is Darla Nelson-Metzger and I represent Families Together, Inc. a non-profit organization which serves Kansas families who have children with disabilities and/or special health care needs. It is our mission to encourage, educate, and empower families and their sons and daughters with disabilities to be effective advocates. Since 1985, we have been the recipients of the Parent Training and Information Center grant from the Federal Department of Education to assist families in understanding and navigating the Special Education system. We are also the recipients of the Family Health Center grant to assist families of children and youth with special health care needs to find their way through the maze of health care.

Families Together has centers located in Topeka, Wichita, Garden City and Kansas City. All of our offices are staffed by parents or appointed education advocates of students with disabilities. Our staff has worked tirelessly on behalf of Kansas families and children around the issue of seclusion and restraint since 2005 when the Senate Education Committee directed KSDE to take action by developing policies, rules and/or regulations on about the usage of restraints and seclusion rooms.

Every day we talk with parents across Kansas regarding school issues. Over the past several years, we have experienced a continual increase in the number of parents calling for assistance related to behavior or discipline concerns at school. Many parents have contacted us regarding seclusion and restraint from different areas in Kansas. When staff receive these calls, we recommend the Individualized Education Program (IEP) team come together and attempt to resolve problems at the local level. Families Together prides itself on finding ways of resolving problems by recommending parents start at the IEP table. As a staff, we rarely advise parents to write formal complaints or request mediation. It is even more rare that we suggest to parents that due process is needed. It is our belief that children and youth are better served by well functioning teams who place the child at the center of their planning. Opponents of HB 2444 suggest that formal complaints, mediation and due process procedures would increase with the passage of HB 2444. We believe that the low numbers of formal complaints and due process requests documented by KSDE do not support this. Kansas parents are not litigious people. Many families do not have the time or resources to be caught up in due process proceedings. Furthermore, many parents fear what effect a due process filing will have on their children.

Assisting Parents and Their Sons and Daughters with Disabilities

Additionally, opponents will indicate that there isn't a problem as evidenced by the lack of formal complaints around this issue. As you know, a formal complaint cannot be substantiated unless there has been a violation of law, exempting this as an option for the use of seclusion and restraint. Currently, there are **no enforceable requirements** that parents can use to protect their children.

This bill reflects comprise and mirrors the current state guidelines. No where in HB 2444 is the use of seclusion or restraint eliminated. It simply defines when it may occur, who may administer it, and how it must be reported. We commend the districts who are currently implementing the state guidelines. However, for the protection of all Kansas children with disabilities, we need to have the **consistency** that only state law can provide. HB 2444 is not only about protecting children. It is also about protecting teachers and other school staff who work with children. Proper training in the use of seclusion and restraint keeps everyone safe.

Kansas needs to **join the other 36 states** who have the force and effect of law regarding the use of seclusion and restraint. It seems the national consensus to address this important subject through state law. Kansas students, teachers and parents deserve these protections too.

Thank you for your time and consideration. Please pass HB 2444 favorably out of your committee.