

EXHIBIT D

Disability Rights



ARKANSAS

Autism Task Force
November 20, 2015
Debra Poulin, Legal Director

Disability Rights Arkansas

- Disability Rights Arkansas (DRA) is a private, non-profit organization designated by the Governor to implement the federally funded protection and advocacy system throughout the state.
- Every state and territory has a protection and advocacy system.
- DRA is federally funded.
- DRA is not part of the federal or state government.

DRA Priority Areas:

- Accessibility
- Community & Institutions (abuse/neglect; discharge planning; restraint and seclusion).
- Education
- Employment
- Juvenile Justice
- Prisons/Jails

Education Priority -

Students with disabilities will have access to appropriate accommodations and special education and to education in the least restrictive environment.

Education Objectives -

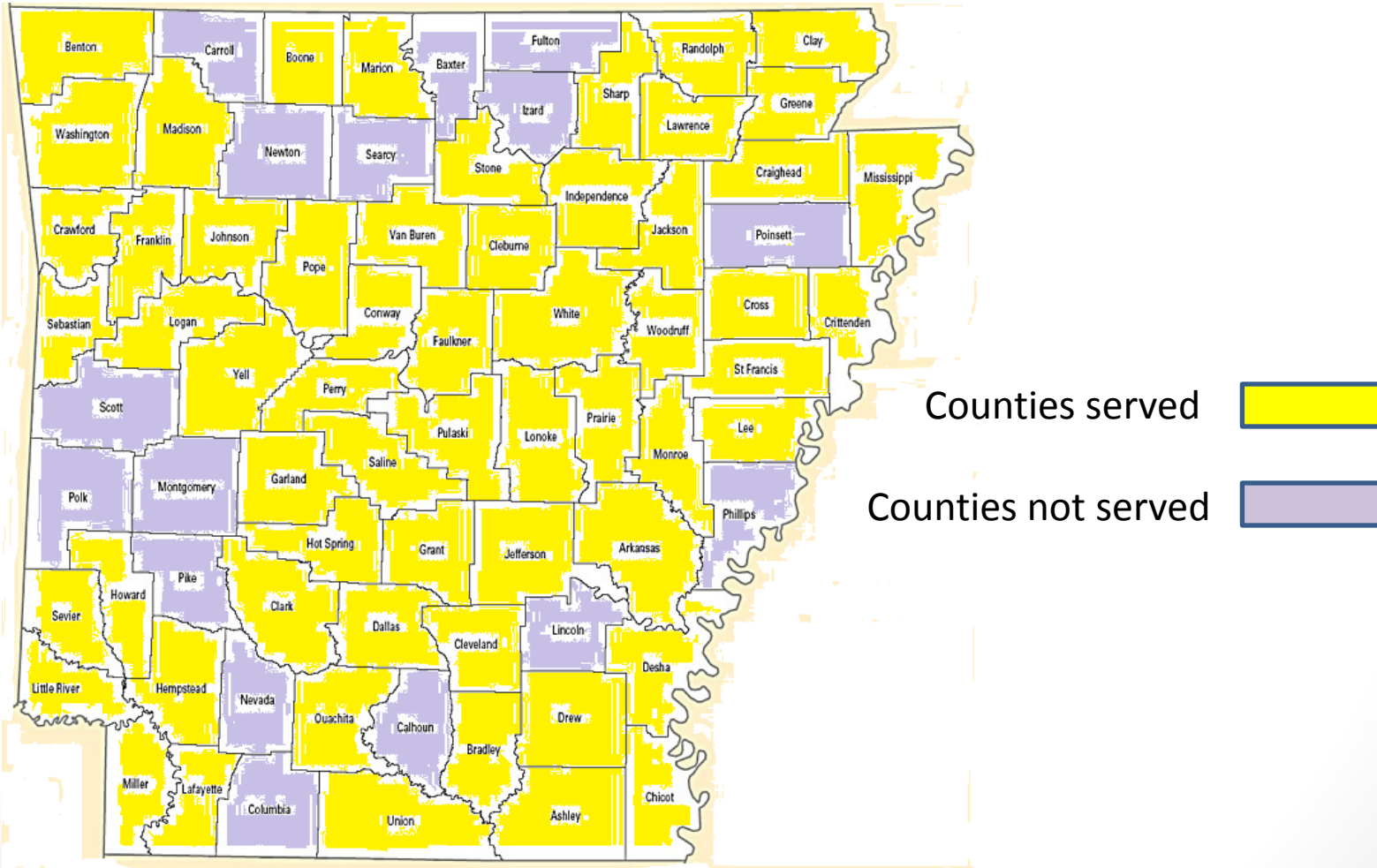
- Students with disabilities, including those at risk of commitment to DYS, will have access to appropriate accommodations, positive behavior supports, and individualized education programs as needed to protect them from restraint and seclusion, exclusion from school, and abuse and/or neglect in school.
- Students with disabilities will be promptly evaluated and identified as students with disabilities eligible for protection/services under Section 504 and the IDEA and have appropriate educational programs developed.
- Students with disabilities will have access to appropriate transition planning and services and will understand their transition rights.

DRA Education

Requests for Services FY 2015

Total Requests for Services	266
Evaluation/Identification	121
Health and Medical Supports	93
Behavior, Restraint/Seclusion, Exclusion, Abuse/Neglect	52

Education Outreach



Requests for Services for Students with ASD FY 2015

Total Requests for Services	61
Evaluation/Identification	25
Health and Medical Supports	18
Behavior, Restraint/Seclusion, Exclusion, Abuse/Neglect	18

Types of Problems

- Spiral fracture of arm from restraint
- Staff attempted to restrain, staff injured and child thrown against wall, chipping tooth, police almost called
- Walks out into busy street, no safe room to calm down at school
- Child thrown down on mat by teacher
- Child dragged out of classroom
- Child's shoulder separated at school
- Busted lip from restraint
- Child kicked off bus
- Shaking, yelling and hitting of child by teacher
- "Hamburger"
- Placement in restrictive environment
- Partial School Day
- Homebound
- Bullying

Summary of Seclusion and Restraint Laws, Statutes, Policies and Guidance by State and Territory, US DOE 2010

“[E]very effort should be made to prevent the need for the use of restraint and seclusion...”

www.ed.gov/policy/seclusion/seclusion-state-summary.html

Arkansas

Arkansas Time Out-Seclusion Room
Regulations/Program Standard, ADE Special
Education Regulation 20.00

No Restraint Regulation

“Committee convened to review state statute juvenile justice code regarding restraints to consider applicability to education code. Also plan to review, update and expand seclusion regulation to apply to all students.”

Restraint and Seclusion: Resource Document, US DOE 2012

<http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

ADE Advisory Guidelines for Use of Student Restraints in Public School or Educational Settings, 2014

<https://arksped.k12.ar.us/documents/mainPage/ADEAdvisoryGuidelinesfortheUseofStudentRestraintinPublicSchoolorEducationalSettings2014.pdf>

Concerns

Restraint and Seclusion leads to:

- Injuries
- Death
- Trauma
- Increased Risk of Institutionalization
- Taking the focus off education

Human Development Centers Residents with Autism

September 2015

- Arkadelphia HDC 21 of 116 residents
- Booneville HDC 28 of 121 residents
- Southeast Arkansas HDC 25 of 92 residents
- Jonesboro HDC 32 of 104 residents
- Conway HDC 77 of 475 residents

Recommendations

Make use of Restraint Guidelines mandatory

Require ADE to collect data on District Adoption of Guidelines

Require Districts to provide all staff with training of School Personnel on Guidelines

Provide increased access to ABA and other evidence based instruction, therapies and interventions to prevent need for restraint and seclusion

Provide increased access to specialized instruction and related services to address communication needs of non-verbal students

Make guidelines in Languages Other than English