

Buckheit, James

From: Irwin Jacobowitz [irwin4jocko@hotmail.com]
Sent: Monday, July 30, 2007 1:17 PM
To: j buckheit@state.pa.us
Subject: 22 PA Code sec. 14.133

2618



Chapter 14_
Restraints.doc (2...

Dear Hon. Jim Buckheit,

We are forwarding this attachment as an expression of how we view restraint use in education and the effects restraint use has on the child, the child's family, and society. In advance, we thank you for taking the time to consider our views as you decide upon the ever so important wording of chapter 14.

You,

Thank

Mr. &

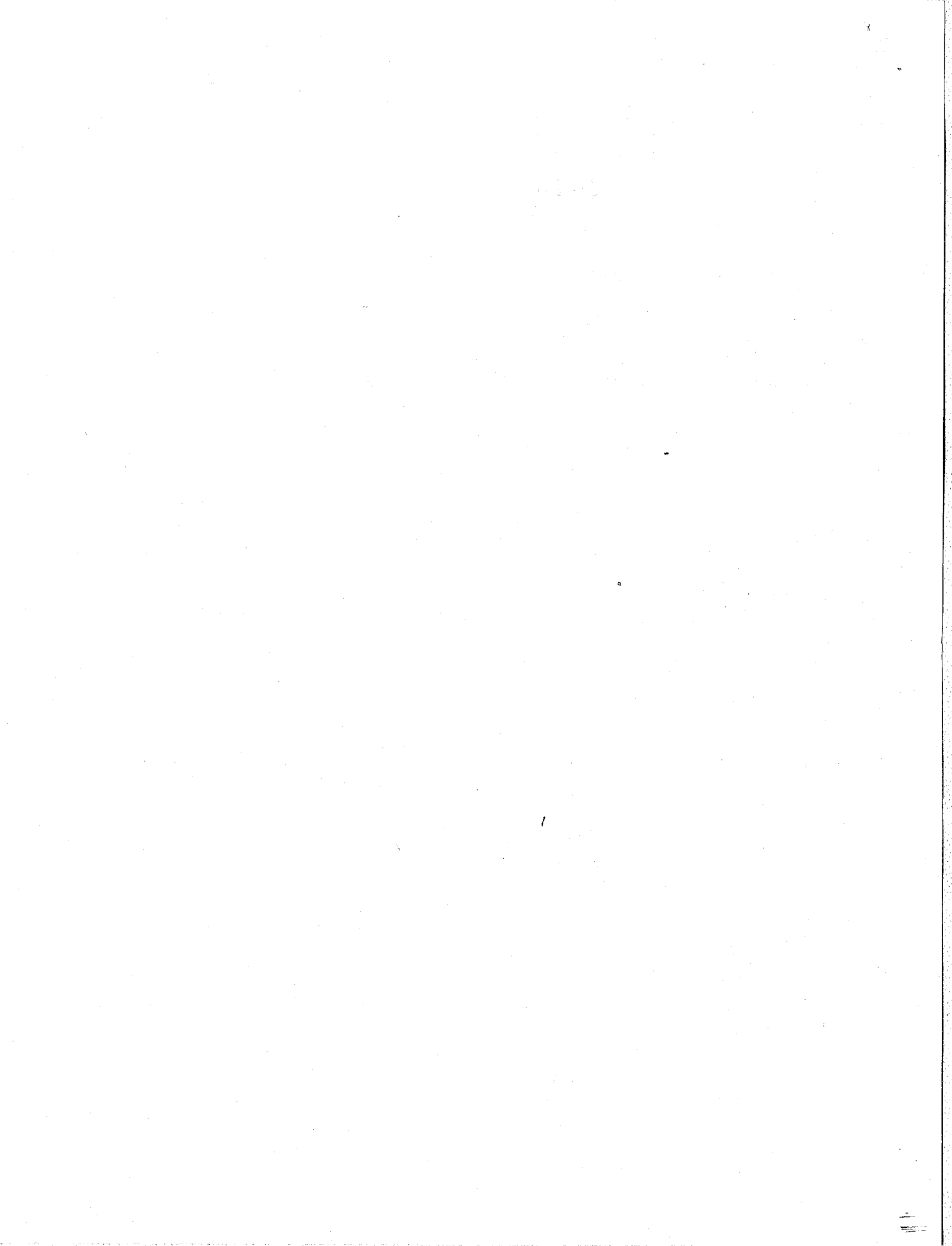
Mrs. Jacobowitz

<http://newlivehotmail.com>

INDEPENDENT REGULATORY
HEALTH COMMISSION

2007 AUG -2 AM 9:47

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ID# 6-306 (2618)

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July 27, 2007

Hon. Jim Buckheit
Executive Director
PA State Board of Education
333 Market Street
Harrisburg, PA. 17126-0333

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2007 AUG -2 AM 9:48

INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Mr. Buckheit,

Our seven year old son, Arizona, was restrained in a Rifton chair two hours per day after being placed in a life skills class. He was diagnosed with PDD-NOS prior to this placement and the school district was aware of his diagnosis and behaviors. Restraints were never discussed at the IEP meetings, nor were positive behavioral interventions placed in his IEP. The school (East Bradford Elementary) never had our permission to use restraints, nor did the staff offer the information freely. We found out that our son was restrained when he came home from school saying "broken, broken". We could not see anything broken around us, so we called the school and the teacher admitted that she had restrained our son, because he would not comply and he disturbed the other children.

After our son experienced being restrained in a Rifton chair for this period of time, he was on a mission to destroy objects spontaneously, without cause, just for gratification. He sought a reward for this behavior. Our theory is that his behaviors were somehow taught during this diagnostic evaluation at his life skills placement and the act of restraining him in a chair was used as a punishment for noncompliance to instruction of negative behavior. We like to use the example of Pavlov's dog, because our son now seeks a reward for carrying out negative behaviors, he actually waits for the reward. He has been evaluated by several psychologists, psychiatrists, and behavioral analysts who recommended intense Applied Behavioral Analysis, but the West Chester Area School District refuses to acknowledge their recommendations or pay for an autistic support program. The district also refuses to accept responsibility or acknowledge their staff's use of restraints by stating that the district would never restrain a child.

Our son is currently in an emotional/ behavioral support class, which has now adopted the title "Autistic Support Classroom" with staff that is not familiar with the behavioral interventions that he requires, but does not admit this, because the district is paying the bill and money is money.

In order for our son to reach his potential, the behavior which was instilled upon him has to be reversed. He does not want to act out negatively, but he does not know how to replace this behavior in a positive manner, nor do we. What is so heart wrenching is not only did the teacher and aide restrain our son in the Rifton chair, they instilled behavior in him to destroy things around him, which will affect him socially for the rest of his life if he does not receive help now. Later, the teacher recanted her statement by saying that

our son was in a Rifton chair at a Thanksgiving feast, but never restrained, and other children were also in a Rifton chair to assist with their feeding. Although, the district denied that their staff would ever do anything such as restrain a child, we have pictures of our son restrained in the Rifton chair that the teacher forwarded home to us.

In a way, we were lucky that our son was able to tell us in his own few words that something had happened at school, there are so many children that must bare this alone, because one of their major deficits, speech and language, restricts their communication. The message that we receive from the district's use restraints without positive behavioral intervention is that our son has no mind, no feelings, only aggressive and brutal behavior in which the use of restraints has no lasting effects. Their assumption is quite wrong, there are lasting effects, which in turn affects his quality of life, socialization, and ultimately society. Restraints should not be taken so lightly when it's use has long term effects. If a child who is considered normal is restrained, society immediately calls for the perpetrator's execution (rightfully so). When a child with disabilities is restrained, it must have been necessary (not so right) and heads turn in the opposite direction.

This is the story of only one victim in which restraints were used without parental permission, without any notice to parents before or after restraint use, without discussion of restraints at IEP meetings, without documentation of restraints in IEP, and without claim of responsibility for after effects of restraint use.

22 PA Code sec. 14.133 (Chapter 14) must always ensure proper notice to the parent when restraints are used, meetings must be encourage when restraints are used, restraints, if used, must be administered by those trained in the use of restraints, and ensure documentation of restraint use in IEP prior to use.

Along with restraining an individual comes the responsibility for improper use and unnecessary use. Please reconsider the wording of 22 PA Code sec. 14.133 (Chapter 14) so that the power to make decisions in their child's best interest remains with the parent.

Some believe that it may be easier to restrain a child, rather than teach them, but the family and society pays for it overall.

Sincerely,

Mr. & Mrs. Jacobowitz for Arizona
P.O. Box 175
Exton, Pa. 19341
610-918-7235

Cc: Ms. Michaele A. Totino, IRRC