



## HEALTH COMMITTEE

Witness Form

Today's Date 5/5/21

Name: Kim Russell

Address: 780 Snider Rd.

Mason, Ohio 45040

Telephone: 513-309-7314

Organization Representing: Brookside Extended Care

Testifying on Bill Number: HB 110

Testimony:  Verbal  Written  Both

Testifying As:  Proponent  Opponent  Interested Party

Are you a Registered Lobbyist?  Yes  No

Special Requests: For testimony on 5/6

Senate Health Committee  
Testimony of Kim Russell  
Administrator - Brookside Extended Care  
May 6, 2021

Chairperson Huffman, ranking member Antonio and members of the health committee, my name is Kim Russell and I am the Administrator of Brookside Extended Care, a 92 bed ICF/IID in Warren County, Ohio. Our residents range in age from 7 years to 75 years and function in the severe to profound range of I/DD, all needing assistance with their daily care needs. I would like to thank you for your time and consideration today. I would like to urge you to add the Protection and Advocacy Transparency Amendment into the budget. I would like to share a situation in which Disability Rights Ohio has harmed the rights of school-aged children with disabilities whom we serve in Ohio's DD System. The following situation was brought to DRO's attention at the end of 2013 and they turned a blind eye.

Prior to the beginning of the 2013 – 2014 school year, five Brookside residents were mainstreamed at Mason Intermediate School. In the middle of September 2013, the Special Education Supervisor for Mason Schools contacted Brookside stating that they no longer had room for the Brookside students and on September 30, 2013 all five Brookside students would be moving to a classroom outside of the building and would be receiving services from the Warren County Educational Services Center. When asked why only Brookside students would be moving to this location, the supervisor stated that it was due to transportation reasons.

The only students that were moved to the new classroom were Brookside residents and they no longer had the opportunity to socialize with their former classmates or non-disabled peers. The new classroom was located in a storage hallway in a private, Catholic school away from non-disabled students. The Brookside students did not use the same entrance as the other students, instead entered and exited through a back door. The Brookside students initially had no interaction with the other students in the school. On 10/30/13, the teacher stated that the reason for this was not having a table available in the cafeteria. The reason for this as stated by the Assistant Superintendent of Warren

County Educational Services Center was that they were having a difficult time gaining “buy-in” from the “paying parents at Royalmont” (the private school in which the room was located) on inclusion.

The Brookside students should have been protected under the Individuals with Disabilities Education Act. All of the Brookside students’ IEPs stated that they would be “given the opportunity to participate in nonacademic/extracurricular activities with his/her non-disabled peers. As of 11/7/13, the Brookside students had not received instruction outside of their classroom and did not have interaction with non-disabled students. They ate lunch inside their classroom rather than in the cafeteria.

The following was an excerpt from one of the student’s IEPs:

“Student will be able to participate in all educational programs and activities that are made available to non-disabled students. Student will participate in the general physical education program that is available to non-disabled students. **Student will be educated in the school he would attend if not disabled.**”

Another read:

“(Student) currently accesses the general education classroom for specials and interventions... (Student) accesses his PE curriculum from a wheelchair level with his typical peers... (Student) also enjoys the socialization with his classmates.”

It was well documented that each of the students was successful in their previous classrooms. We were told that the decision to move the Brookside students was based on where the students lived and for transportation reasons. Decisions were made for Brookside students as a group rather than taking into consideration each student as an individual. Mason’s Special Education Supervisor confirmed on 11/8/13, that two students from Brookside lost their placement at Mason Intermediate School to other incoming students based solely on their residence.

Brookside met with the Superintendent, Assistant Superintendent and Psychologist from the Warren County Educational Services Center on 10/13/2013. When Brookside voiced concerns about the move of only Brookside students and lack of inclusion, the Superintendent walked out of the meeting.

We attempted to address our concerns at the Mason City Board of Education Meeting on November 12, 2013. Once again, our concerns were dismissed. At that time, we made the decision to contact DRO as we felt the actions of Mason Schools and the Warren County Educational Services Center was a clear violation of our resident's rights under the Individuals with Disabilities Education Act (IDEA). DRO opened a case on November 13, 2013. After making the initial referral, Brookside received no further follow-up from the agency, nor did the guardians of the students involved. Several weeks later Brookside received a letter from DRO stating that they had looked into the situation and had no concerns.

Brookside students remained in that classroom until August 2020 when the Mason School District moved all of their classrooms for students with disabilities to their own building away from non—disabled students. When asked if this was a temporary move due to COVID, the school district stated it would be permanent due to the high school needing more space.

The irony is at the time DRO was contacted regarding the situation in 2013, they were actively suing the state of Ohio in a federal class action lawsuit for not offering enough mainstream services to children with disabilities. It has been my experience that DRO only protects the rights of individuals that are capable of living in community settings and attacks the rights of individuals that require a higher level of care. Because Brookside residents chose to live in an ICF, DRO would not help them.

I urge the committee to support the Protection & Advocacy Transparency Act so that DRO can report on its activities to the state legislature. Currently it operates with no oversight while attacking Ohio's most vulnerable citizens.

Once again, I would like to thank you for your time and I would be happy to answer any questions.