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House Committee on Children and Families

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Room 142 -S

Mr. Chairman, members of the Committee, I thank you for the opportunity of providing information on House Bill Number 2444, an Act concerning schools and school districts; relating to seclusion and restraint of pupils. Overall, I am in favor of the Bill with a couple of suggestions.

I have some expertise in this area as a former teacher of children who are seriously emotionally disturbed, the Program Specialist for children who are seriously emotionally disturbed from 1981 to 1993 at the Kansas State Department of Education (KSDE), and an education advocate for children with disabilities. I have been a KSDE appointed advocate for children who have disabilities since 1993 and average 4 to 5 children a year. At this time I have six children from kindergarten to sixth grade. I act as their parent in relation to all special education services. As such, I attend IEPs, evaluation report meetings, and keep in touch with school personnel regarding their educational services on a regular basis.

To some of you and your colleagues this is not a new topic. A bill was introduced in 2007 on this subject. Instead of passing a Bill, the Legislature chose to direct KSDE to develop guidelines in this are for schools to use. Guidelines can be very useful, however, when there is even a remote possibility that a student and even staff could be injured, laws are the obvious choice. If we had guidelines on the speed we travel on I 70, how many would drive the suggested speed? I also served as a Compliance Monitor in special education and remember how many times a school district told me if something was a guideline that meant they could use their own judgment as to whether to follow it.

Recommendations

On page 1, Lines 10 – 11 you introduce a new term, “altercation” and define it as “a fight involving a student” and further as “Any student possessing a weapon”. Why introduce a new term when we have statutes regarding assault and battery that would also cover a student attacking school personnel? In addition, there are extensive statutes regarding student possession of a weapon and the steps a school district must take when this occurs. It would seem more appropriate to refer to the laws already enacted by the Legislature that ably cover such occurrences.

In addition, on page 2, Lines 21 – 22 it states, “This training requirement shall not apply if the child is involved in an altercation.” This paragraph seems to state that school personnel may only use seclusion or restraint if they have been trained in the use of these techniques unless there is an altercation. One most often seeks to restrain a child when he or she is in imminent danger of hurting his or herself or another student. It seems most appropriate that before being assigned to teach students who are likely to act out, school staff should receive training in the use of these techniques.

Summary

I have been an advocate for students of all ages from Holton to Auburn Washburn, from Lawrence to Concordia and at the Topeka juvenile Justice Facility, Shawnee County Corrections, and Capitol City Schools. For each student I try to visit the school at least once, exchange many e-mails with school staff, and participate in meetings either in person or via conference. I have seen some excellent seclusion (often referred to “time out”) rooms and several that should never be used. I have talked to other advocates, parents, and professionals in the field and been told horror stories that occurred both in the distant past to as recently as December.

I do very much endorse this bill, with minor modifications, and urge you to pass it. As always, your time and attention is greatly appreciated and I would be happy to answer questions.

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