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**Senate Committee on Education**

**Thursday, March 8, 2012**

**Room 152 - S**

Madame Chairperson, 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. I am in favor of the Bill.

My background is uniquely suited for the topic of the bill, seclusion and restraint procedures. I am a former teacher of children who are seriously emotionally disturbed and the State Department of Education (KSDE) Program Specialist for children who are seriously emotionally disturbed from 1981 to 1993. I am 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.

In 2005 a bill was introduced on this subject. Instead of passing a Bill, this Committee directed KSDE to develop regulations and guidelines for schools to use. KSDE developed guidelines that 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. Unfortunately, they were correct.

Since KSDE created and implemented their guidelines in 2007, there have been instances in which children with disabilities have been restrained by staff who were not trained in accepted techniques and children have been placed in seclusion rooms, sometimes little more than boxes, that do not follow accepted, well researched methodology. I do not favor laws just for the sake of having a law. However, as a former teacher, as a person who in law is considered a parent, if even one child is hurt due to a school not following accepted procedures, that is one too many. This Bill takes the KSDE Guidelines and puts them into State law.

Unfortunately, more than one student has been subjected to incorrect use of these methods, Families Together, Keys For Networking, and the Disability Rights Center have all received calls from parents. Since there are only Guidelines governing this procedure, no one can intervene.

There are 36 states that have laws regarding these methods. Please make Kansas the 37<sup>th</sup> state to enact laws to protect our children and school staff. Passage of this law will provide KSDE the tool it needs to enforce the use of proper procedures for seclusion and restraint methodology in our schools.

As a former teacher, former administrator, and current advocate, I urge you to pass HB 2444. As always, your time and attention is greatly appreciated and I would be happy to answer questions.

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