

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2322

As Recommended by House Committee on
Education

Brief*

HB 2322 would amend provisions within the Special Education for Exceptional Children Act to define the term “emotional disability” and revise the definition of “children with disabilities” to replace the term emotional disturbance with emotional disability. The bill would also make similar updates in the definition of “individuals with disabilities” used in law relating to transition planning services for individuals with disabilities.

The bill would define “emotional disability” to mean the same as the term “emotional disturbance” is used in the federal Individuals with Disabilities Education Act (IDEA; PL 101-476).

Background

The bill was introduced by the House Committee on Education at the request of Representative Goetz.

House Committee on Education

In the House Committee hearing, **proponent** testimony was provided by an autism and behavioral specialist with the Central Kansas Cooperative in Education (Cooperative), the Director of the School Psychology graduate program at Fort Hays State (who also referenced written testimony submitted

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

by the Kansas Association of School Psychologists), and a representative of the Kansas National Education Association. Written-only proponent testimony was submitted by the Kansas PTA. The proponents generally addressed the stigma the labeling of “emotional disturbance” presents for the individual child, parents, and school staff. The Cooperative representative noted, as of July 2022, a total of 23 states have legally changed their terminology, 13 using either “emotional disability” or “serious emotional disability.” The proponents also addressed the need for broader systemic change regarding access to mental health supports and services across public schools, and one conferee stated a request to retain language tying “emotional disability” with “emotional disturbance” for the purposes of funding special education services.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas State Department of Education and the Department for Children and Families indicate that the bill would have no fiscal effect on the agencies.

Education; Special Education for Exceptional Children Act; definition; emotional disability; IDEA