

Written Testimony provided to Committee for Children and Families
Chairman, Representative Mike Kiegerl

RE: Kansas House Bill 2444

Mr. Chairman and Members of the Committee for Children and Families:

The Shawnee Mission School District offers this testimony relating to seclusion and restraint of pupils and asks for HB2444 to not be further debated nor moved out of committee.

Kansas has been collecting data on seclusion of students with disabilities for several years and in 2011 reported less than 1% of the schools secluded students with disabilities, even for a short period of time. We do not support regulations for seclusion and restraint when there has not been objective analysis of collected data and the establishment of a problem that will be solved with this legislation. We believe the guidelines provided by the Kansas State Department of Education (KSDE) address any concerns this bill is designed to regulate and have these reflections:

- KSDE has provided school districts with clear guidance on best practices to assure safety of students in emergency situations.
- The Kansas Emergency Safety Interventions (ESI) procedures clearly define seclusion and restraint.
- KSDE has provided guidance documents which include both seclusion and restraint checklists and assist us with guidance on communicating with parents about incidents.
- It is recommended we provide training to our staff members, which in our district we provide with our Crisis Prevention and Intervention (CPI) training program. This assures the safety of our students if there is a need for the use of restraint.
- KSDE requires quarterly reporting to KSDE of all incidents of seclusion and restraint of all students, not just those incidents involving students with disabilities.
- Districts have access to technical support by KSDE if they have any difficulties with the guidelines.
- The items this House Bill includes are already in place in guidance and reporting managed by KSDE. Kansas does not need additional mandated regulations beyond those in current federal law.

Our district does not utilize seclusion rooms; involving law enforcement is typically the alternative we have when a student is being unsafe and needs to be isolated from others. While this has worked for our school district in most instances, other districts may not have the same access to or collaboration with their local law enforcement agencies. The district has found this to be our preferred methodology, but parents express great concern that their children begin having a record of police involvement at a very early age and often ask us to seclude rather than contact them and the police for intervention. Federal and state laws allow districts to determine methodology, but will not allow a one-size-fits-all method for dealing with academic and social learning. Teams need to determine individualized intervention plans for students without methodology being restricted. Although our district does not support seclusion as a preferred intervention, if an IEP team determined a student needed this type of intervention, the current federal and state laws allow teams to use this methodology and we are opposed to additional regulations which go beyond those of the current federal regulations for special education.

Restraint is necessary when there is an altercation, a student is not safe, or is in danger of hurting others. Currently districts receive sufficient guidance from KSDE on this topic and there is little to no data indicating there is a problem in Kansas which needs to be regulated. This school year KSDE is collecting restraint data which needs to be analyzed and if current practices are not sufficient to address what perhaps is problematic, could provide more guidance on restraint. With the current guidelines and reporting practices required by KSDE, districts know and implement best practices, parents know how their children are being managed, and the state has adequate information to determine problem areas for state intervention.

Our district supports the best practice of a system-wide approach to managing behavior and has been implementing School-wide Positive Behavior and Intervention Supports (SWPBIS) for many years. This methodology prescribes training for prevention and early intervention and we prefer to see Kansas spending their limited time and resources establishing state-wide support for best practices rather than limiting methods through regulation.

School districts do not need additional unfunded mandates for program methodology and reporting. We ask that the committee have no further hearings on this bill and not advance it out of committee.

Respectfully submitted,

Deborah Meyer

Deborah Meyer, Director of Special Education Services