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March 8, 2012

TO: Senate Education Committee

FROM: Sue Storm, Legislative Coordinator
Kansas State Board of Education

SUBJECT: 2012 House Bill 2444

- It is my pleasure to report to you regarding the activities and progress of the Kansas State Board of Education (KSBE) and Kansas State Department of Education (KSDE) in relation to the *Kansas Guidelines for the Use of Seclusion Rooms and Restraint*, adopted by the KSBE in 2007, written to stress positive preventative support and to provide guidance on how to use seclusion and restraint in a safe and effective manner when those interventions prove necessary.

With the adoption of the guidelines in 2007, KSDE was charged to begin collecting data on the use of seclusion with students with disabilities in the schools. Schools are asked to report annually whether they have an identified seclusion room that meets KSBE guidelines. Quarterly, schools are asked to report any instances of seclusion in the school involving students with disabilities. Information gathered from the quarterly reports is collected by KSDE and presented annually to the Special Education Advisory Council (SEAC) to assist and guide recommendations for further action by KSBE.

In June 2011, KSBE approved expanding the reporting requirements pursuant to recommendations from SEAC. Beginning this 2011-2012 school year, schools are asked to report any instances of seclusion and restraint with any student. Accompanying the change in reporting requirements, KSBE began using the term “Emergency Safety Interventions” (ESI) when referring to seclusion and restraint. This change in terminology denotes the use of such practices only in emergency situations when the student is at risk of hurting him or herself or others.

KSDE provides technical assistance to schools, districts, and parents, who have questions about the use of ESI in the classroom through: (1) checklists, developed to aid schools in evaluating incidents for reporting purposes; (2) sample reporting logs, developed to assist schools in reviewing an incident to identify what precipitated the incident and how future incidents can be decreased or eliminated, and; (3) direct assistance to schools and parents, provided through various means including webinars, phone conversations, and electronic communication to address best practice and questions on what constitute ESIs and the use of such practices.

The additional reporting requirements and the inclusion of the words “emergency” and “safety” when discussing seclusion and restraint, beginning in the 2011-2012 school year, identified the need for additional technical assistance on ESIs at both the local and state level. A team of KSDE staff and service providers, throughout the 2011-2012 school year, have presented at conferences and meetings on the realities of ESIs, including the legal perspective and best practice when using ESIs in the school environment. These presentations have targeted leaders in the schools, leaders in both general and special education, to continue the conversation of how ESIs are used, documented, and prevented in the school environment.

A further reporting requirement for the 2011-2012 school year requires schools to indicate whether school staff is provided training in ESI and Positive Behavior Interventions and Supports (PBIS) on an annual basis. The addition of this requirement reaffirms KSBE and KSDE's strong commitment to the use of PBIS in the schools and discouragement of the use of ESIs by untrained staff. Kansas' Multi-Tier System of Supports (MTSS) provides training and resources to support schools in the implementation of PBIS school-wide. The MTSS Symposium in September, 2011, had over 1,064 professionals in attendance and included a specific strand of presentations on behavior from the leading experts in the field on how PBIS can be used to benefit all students in a safe and supportive school environment.

Additionally, the Safe and Supportive Schools (S3) Grant was awarded to the Kansas State Department of Education in October, 2010, by the Office of Safe and Drug Free Schools, U.S. Department of Education. The program is designed to support statewide measurement of a "Conditions for Learning" (CFL) Index, a marker that reflects school climate with respect to safety, environment and student engagement. The grant's overarching goal is to improve school climate and reduce substance abuse through targeted programmatic interventions. The work on this program has been across teams in KSDE, resulting in the inclusion of ESIs in the "Safe Schools Manual". This, again, reaffirms KSBE and KSDE's position that ESIs should only be used in emergency, or crisis, situations when a student is in danger of hurting him or herself or others.

Under the parameters of the 2007 *Kansas Guidelines for the Use of Seclusion Rooms and Restraint*, the efforts undertaken by KSBE, KSDE, and local education agencies have been a benefit for all Kansas students. Kansas has been a leader in the attempts to examine how seclusion and restraint "work" in the schools and continues to adapt to the changing climate –educational, social, and political- to ensure that all students are free from undue, unnecessary, and unsafe seclusion and restraint. I am proud of these contributions and confident that we will remain responsive to our students' and communities' needs and dedicated to providing safe schools for all Kansas kids.

I ask today that you do not make a final decision on HB 2444 until the Kansas State Board of Education has a chance to meet on Tuesday, March 13, 2012, to consider this matter and make recommendations to this Committee. I thank you for your time and consideration.