

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairperson Steve Abrams at 1:30 pm on Thursday, March 19, 2015, 144-S of the Capitol.

All members were present except:

Senator Pat Pettey – Excused

Committee staff present:

Lauren Douglass, Legislative Research Department

Erna Fabert, Kansas Legislative Committee Assistant

Jason Long, Office of Revisor of Statutes

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

### **Possible action on bills previously heard**

Chairperson Abrams asked for a motion to approve the minutes previously sent to committee members for review.

*Senator Arpke moved, Senator Baumgardner seconded, to approve the minutes of the January 27, February 2, February 17 and February 19, 2015 Senate Education Committee meetings. Motion carried.*

Chairperson Abrams then called for discussion and possible final action on **SB136/HB2326**, which were the Senate and House versions of bills dealing with the Professional Negotiations Act. He indicated that **SB136** was passed out of Committee, went to the Senate floor and passed unanimously after an amendment was added. However, upon learning that the House was not scheduling **SB136** for hearing, he recommended that the Committee explore the option of removing the contents from **HB2326**, which would create a shell document, and then placing the contents of **SB136** as amended on the Senate floor, into that shell document, approving it once again and allowing the House to concur if they so desire.

*Senator Fitzgerald moved, Senator Baumgardner seconded, to remove the contents from **HB2326** and replace with the contents of **SB136** as amended on the Senate floor. Motion carried.*

*Senator Fitzgerald moved, Senator Baumgardner seconded, to recommend **Senate Substitute for HB2326**, favorably for passage. Motion carried.*

Chairperson Abrams then opened discussion and possible final action on the Substitute for **HB2170**. Jason Long, staff revisor, reviewed the substitute bill for the Committee.

Questions centered around the creation of the emergency safety intervention task force, the number of

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members, the organizations listed to provide representation, and the possible addition of parent and physician members to the task force.

Chairperson Abrams indicated that he had two amendments for the Committee to consider:

Chairperson Abrams moved, Senator Melcher seconded, to amend proposed substitute for **HB2170**, to add language that the information to be provided to a parent under subsection 4(a) shall be provided after a first incident of the use of emergency safety interventions, and may be provided after subsequent incidents of the use of emergency safety interventions. Motion carried.

Chairperson Abrams moved, Senator Fitzgerald seconded, to amend proposed substitute for **HB2170** to require that one of the KASB members of the emergency safety intervention task force be an attorney of the association. Motion carried.

Senator Schmidt moved, Senator Pyle seconded, a motion to amend proposed substitute for **HB2170** to require rules and regulations be adopted by the state board of education by January 1, 2016. Motion carried.

Senator Schmidt moved, Senator Baumgardner seconded, a motion to amend proposed substitute for **HB2170** to require that one of the members from families Together, Inc. and Keys for Networks, Inc. on the emergency safety intervention task force be a parent of a child with a disability, and that the task force be increased to fifteen members by requiring one member be appointed by the Kansas Medical Society who is a licensed physician.

Discussion then centered around Section 4 and what constitutes proper notification of parents and the timeline for notification when a child has been involved in an emergency safety intervention. Scott Gordon, attorney for the Kansas Department of Education, spoke to the issue of notification to parents if children are injured while on school property.

Senator Baumgardner moved, Senator Fitzgerald seconded, a motion to amend proposed substitute for **HB2170** to strike "attempt to" from the first sentence of subsection 4(a) and add language requiring notification of an emergency contact person if the parent cannot be notified. Motion carried.

More questions followed concerning whether removing a child from the building would be included as an option in seclusion and the differences between deescalation and seclusion. Terry Collins spoke to the issue, stating that all other interventions could still be allowed under this policy, to include all the other positive behavior supports first, before seclusion is used, however, since the school needs to see and hear students at all times, taking a student outside would not be part of seclusion. The appeals process was also briefly discussed by Mr. Gordon.

Senator Baumgardner moved, Senator Fitzgerald seconded, **Senate Substitute for House Substitute**

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Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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*for HB2170, as amended, favorably for passage. Motion carried.*

Senator Schmidt asked about the sunset provision on the bill, allowing it to expire on June 8, 2017, to which Chairperson Abrams responded that this would hopefully encourage both sides to keep working on this issue. He then notified the Committee that the meeting scheduled for Friday, March 20 is canceled and there is a possibility of special meetings being held next week.

Senator Schmidt thanked all staff members for their work this year. The meeting was adjourned at 2:32 pm.