



Testimony in Support of Substitute HB 2170

**Disability Rights Center of Kansas
Mike Burgess, Director of Policy**

Chair Abrams and honorable members of the Senate Education Committee. My name is Mike Burgess. I am the Director of Policy at the Disability Rights Center of Kansas. The Disability Rights Center of Kansas is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities.

I appreciate the committee's time and effort to listen to the issues addressed by Sub. HB2170. In my testimony today I will attempt to quickly summarize several of the key points regarding the bill and why I am urging your support of it.

Adds clarity to the standard for when seclusion and restraint are appropriate

Both the US Department of Education and national training companies recommend specific and clear policies. The standards outlined in Sub. HB2170 are much clearer, including the exclusions requested by the Kansas Association of School Boards that are already in the bill.

Fills in gaps in the existing regulations

There are several gaps in the existing regulations that are covered in this bill such as requiring seclusion rooms to be proportional and safe environments.

Improves notification and communication with parents

Under the existing policy, a school has two days to notify a parent when their child is subjected to seclusion or restraint. Many members of the House committee said they would want to know immediately if it were their child, so they amended the bill to require Schools to attempt to notify a parent the same day and to provide documentation of what happened as well as other helpful

information to parents the next school day. This provision alone will make a huge difference to help diffuse an emotionally charged situation.

Creates more visibility for seclusion and restraint data

The existing regulations require reporting on the use of seclusion and restraint. This data is reported to the State Board of Education. Sub. HB2170 makes this data available to House and Senate education committees, the Governor, and also makes the data available to citizens, while still maintaining privacy and complying with FERPA.

Creates an independent complaint process

The bill creates an independent complaint process and requires it to treat schools and parents equally. This complaint process is only an option after parents have gone through the district's local dispute resolution process.

Sub. HB2170 is a compromise bill

We have worked hard to try and address the concerns of schools and to create a workable, but effective policy. There are likely to be some proposed changes to the bill. Please do not support amendments that will weaken the protections offered by the bill.

Conclusion

Thank you again for your thoughtful consideration of this bill. Parents have waited more than 10 years and advocated for a solution in a variety of venues. I again want to encourage your support for Sub. HB2170.