



700 SW Jackson St., Suite 1100
Topeka, KS 66603
p: 785.235.5103
f: 785.235.0020
e: interhab@interhab.org

March 8, 2015

TO: Members of the Senate Education Committee

FR: Tom Laing, Executive Director

InterHab: The Resource Network for Kansans with Disabilities

InterHab members provide services for Kansans of all ages who are challenged by intellectual/developmental disabilities. Our members advocate for the rights of infants, toddlers, children, and adults in their communities. As advocates for the rights of persons with disabilities, we urge your adoption of the Substitute for House Bill 2170, for the following reasons:

1. The protection of a child's rights should be in the law:

It should be statutory policy that all children be accorded basic civil rights in our public schools, including the right to be protected from unnecessary or improper uses of seclusion and restraints. The protection of a child from physical abuse whether or not it is "intended" should not be a matter for rules and regulations.

Imagine an adult encountering an inappropriate physical restraint. Would we be OK with that being a matter regulated in the particular venue where it happens?

Of course not. We have laws against such behaviors. Such inappropriate conduct, if experienced by an adult, would be at a minimum simple battery.

2. The proper uses of seclusions and restraints in one school district have no bearing on instances of improper uses in other districts.



700 SW Jackson St., Suite 1100
Topeka, KS 66603
p: 785.235.5103
f: 785.235.0020
e: interhab@interhab.org

Some school districts indicate that because they use proper forms of seclusion or restraints, that a law is therefore unneeded. Laws are not written to address those who do the right things, laws are written to enforce society's rules on those who do not do the right things.

We believe that inappropriate practices take place, but that is not an indictment of all school districts, where we believe the right things take place.

However, to suggest that because most schools do the right things, therefore no law is needed is a very poor approach to protecting children in places where bad things do happen.

3. Summary:

We appreciate the leadership of the Disability Rights Center as well as the efforts of many professionals and advocates who have worked on this issue for a number of years, and we appreciate the committee for considering this important bill.

The adoption of this legislation may be one of the most important votes you ever cast on behalf of each child who one day – without your assistance – will be physically or emotionally harmed because of the use of in inappropriate restraints or seclusions. Your “yes” vote can be a difference-maker for children.

Inappropriate uses of seclusions and restraints are unsafe, unreasonable, unwise and should also be unlawful.

Therefore, we urge you to vote “yes” for HB Substitute for HB 2170.