



Kansas Council on Developmental Disabilities

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*"To ensure the opportunity to make choices regarding participation in society
and quality of life for individuals with developmental disabilities"*

March 11, 2015

Senate Education Committee, Senator Steve Abrams, Chair
Preventing Unsafe Seclusion and Restraint in Schools

Re: Sub. HB 2170

Mr. Chair and members of the Kansas Senate Education Committee,

My name is Craig Knutson, Public Policy Coordinator for the Kansas Council on Developmental Disabilities (KCDD). Thank you for the opportunity to write to you today in support of Sub. HB 2170, the Kansas Prevention of Unsafe Seclusion and Restraint in Schools Act.

The Council is established by state and federal law and federally funded to advocate for improvements in the Kansas system so that people with intellectual and developmental disabilities and their families receive the services and support they need. Council members are appointed by the Governor of Kansas; 60% of the council is composed of people with developmental disabilities and family members who represent the developmental disability community. Our mission is "to ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities."

It is our firm belief that the adoption of Sub. HB 2070, Prevention of Unsafe Seclusion and Restraint in Schools will help provide superior, uniform, and effective protection for Kansans with intellectual and developmental disabilities in public schools. Far too often seclusion and restraint "techniques" have been proven to be both physically and emotionally injurious—even deadly for the children to whom they are applied. While no child should be subject to these circumstances, unfortunately, seclusion and restraint tactics are overwhelmingly used on our most vulnerable children—those with disabilities, especially intellectual and developmental disabilities.

The Prevention of Unsafe Seclusion and Restraint Act provides effective protections for children with disabilities; this bill:

- Limits the use of any type of seclusion and restraint to when a behavior is an immediate threat of causing "substantial physical injury" to self or others. This is a standard that is recommended by the US Department of Education and is the model that is used in other states.
- The law clearly establishes the policy that children with a disability shall not be subjected to unreasonable, unsafe or unwarranted use.
- This law clearly establishes that seclusion and restraint tactics are not for the purpose of discipline, punishment or convenience of staff.

- This law prohibits the placement of a child in seclusion and restraint unless properly trained to do so safely.
- This law prohibits the placement of a child in seclusion if there is a medical contraindication.
- This law prohibits locking a child in seclusion.

A child's rights need to be protected; Sub. HB 2170 can help protect their rights.

This fundamental truth is understood, and is reflected by the fact that in 2007 the measures outlined in Sub. HB 2170 were the very proposed policies on these issues of seclusion and restraint by the Kansas State Department of Education. Furthermore, in 2012 the Kansas House of Representatives voted to pass a nearly identical bill by a margin of 2 to 1. This year, the measure passed the House by a vote of 122-1.

We now have the opportunity to right a wrong, a wrong we've known about for years.

We urge you to adopt Sub. HB 2170 and ensure the protection of our children from unnecessary seclusion and restraint.

Thank you for your time and consideration.

Sincerely,

Craig Knutson
Public Policy Coordinator
Kansas Council on Developmental Disabilities