

HB 2444 Seclusion and Restraint
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Honorable members of the Senate Education Committee.

Oppose the creation of additional laws for seclusion and restraint.

The topic of seclusion and restraint and more importantly Emergency Safety Interventions, has become a very personal issue for me--Not as the Director of Special Education but as the parent of a child who was in need of some pretty intense behavioral intervention during his middle school years. During that time my son exhibited as part of his Tourette Syndrome (co-occurring with Attention Deficit Hyperactive Disorder) numerous incidences of what some would label a rage reaction. Similar to a tic, these incidences came on rapidly and were not something well controlled. Although the school experienced far less of the behavioral outburst than we did at home--these incidents were the types of violence that every parent fears in which the child could strike out physically and verbally to an extent that most adults would become fearful for their own safety. Luckily our son's school was diligent in developing a Behavior Intervention Plan (BIP) which was used as a safety procedure to help him effectively deal with his outbursts as well as serve him in situations where he was at risk of hurting others or himself.

Initiation of Emergency Safety Interventions were used only in serious situations and were not necessary once my son responded to his behavior intervention plan. In fact the incidences where an adult had to forcibly seclude or restrain my son were extremely rare and once he knew he had his own "calm down" room he generally went there willingly. Nonetheless the procedures were necessary early on.

I am pleased my son's school had the option to implement Emergency Procedures. With staff trained in safety intervention techniques--I knew things could be dealt with effectively. Unfortunately I also know as a long time behavior disorders special educator and administrator that schools are

fearful of litigation. And had there been laws as opposed to the guidelines in place---there is no doubt my son would have been placed in a separate school setting. Instead of his neighborhood school and our hometown.

In Kansas we are in the forefront when it comes Emergency Safety Procedures (including seclusion and restraint). The guidelines are working not only to ensure school personal in proper techniques but in supporting less restrictive educational placements. When schools, business' or organization have additional laws imposed on them--one of two things usually happens: 1) they get out of the business for fear of legal situations and risk (not an option for public schools); or 2) they become overly cautious and restrict activity to prevent any chance for a violation. For schools I fear (and have already heard) in order to avoid risk situations special education teams and administrators will avoid any type of seclusion or restraint and simply call law enforcement. For children like my son this would have been life altering as he had enough issues without experiencing criminal charges.

Sincerely, Kathy KO