

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **HB 2767**, as amended by House Committee, on page 9, following line 13, by inserting:

"Sec. 8. Sections 8 through 12, and amendments thereto, shall be known and may be cited as the freedom from unsafe restraint and seclusion act.

Sec. 9. As used in this statute, the following terms shall have the meanings specified herein:

(a) "Altercation" means a fight involving a student. Any student possessing a weapon qualifies as an altercation.

(b) "Children with disabilities" has the meaning specified in K.S.A. 72-962, and amendments thereto.

(c) "Imminent risk of harm" means an immediate and impending threat of a person causing substantial physical injury to self or others. Violent action that destroys substantial property may fall within this standard only if the property destruction also poses an immediate and impending threat of causing substantial physical injury to self or others.

(d) "Individualized education plan" and "IEP" have the meaning specified in K.S.A. 72-962, and amendments thereto.

(e) "Mechanical restraint" means any device or object used to limit a person's movement, except that a protective or stabilizing device either ordered by a person appropriately licensed to issue the order for the device or required by law shall not be considered to be a mechanical restraint. This term does not include any device used by a law enforcement officer, campus police officer, or school security officer in carrying out law enforcement duties.

(f) "Physical restraint" means bodily force used to substantially limit a person's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction shall not be deemed to be physical restraint.

(g) "School employees" means teachers, paraprofessionals, providers of related services, administrators, and support staff.

(h) "Seclusion room" means a room or other confined area in which a child with a disability is placed in isolation from other persons for a limited time from which the student is prevented from having egress.

Sec. 10. (a) No child with a disability shall be subjected to unreasonable, unsafe, or unwarranted use of physical restraint or seclusion rooms. A child shall never be physically restrained or placed in a seclusion room for purposes of discipline or punishment, or for the convenience of staff. A child shall not be subjected to any form of mechanical restraint.

(b) Any child with a disability shall be placed in a seclusion room or physically restrained only if the behavior of the student presents an imminent risk of harm. However, if the child is involved in an altercation then physical restraint may still be used even if the imminent risk of harm standard is not met.

(c) A child with a disability shall not be placed in a seclusion room if the child is known to have any medical condition that a licensed health care provider has indicated, in a written statement that is provided to the school and that is on file with the school, precludes this action.

(d) A child with a disability shall not be physically restrained or placed in a seclusion room except by a school employee who has had training in the appropriate use of these techniques. Such training shall be from training programs approved by the Kansas state department of education to ensure that school employees are trained in the proper and safe use of seclusion rooms. This training requirement shall not apply if the child is involved in an altercation.

(e) While a child with a disability is in a seclusion room, the school employee who is supervising the student shall be able to see and hear the student at all times.

(f) No more than one child at a time who has a disability shall be placed in a seclusion room.

(g) Any seclusion room equipped with a locking door shall ensure that the lock automatically disengages when the teacher or attendant viewing the child walks away from the seclusion room or in cases of emergency, such as fire or severe weather.

(h) If a school has a seclusion room, it will be a safe place with proportional and similar characteristics as other rooms where students frequent. It shall be free of any condition that could be a danger to the student, well ventilated and sufficiently lighted.

Sec. 11. (a) When any child with a disability is placed in a seclusion room or is subjected to physical restraint, the school employee who used the seclusion room or physical restraint, or an employee who witnessed its use, shall document the use of the seclusion room or the physical restraint. This documentation shall be completed no later than the school day following the day on which the seclusion room or physical restraint is used. A copy of the documentation will be provided to the parent of the child when the documentation is completed. When there is a question as to whom is authorized to receive such documentation, the school shall notify the same individual or individuals as if it was an individualized education plan matter.

(b) Each public school shall submit information and data on the use of seclusion and restraint as required by the Kansas state department of education. At a minimum, the department shall collect sufficient information and data to ensure the patrons, policymakers and the public can gain a clear picture of the depth and breadth of the use of seclusion and restraint in Kansas schools. The purpose of the information and data collected is to provide detailed information so that policymakers can identify trends and opportunities in order to help reduce the use of seclusion and restraint in public schools.

(c) The Kansas state department of education shall compile the reports from the schools and

provide the results to the public, the governor and the committee's on education in the senate and the house of representatives by January 20, 2014, and annually thereafter, and publish the school policy, as set forth in this act, to ensure uniformity and compliance with this act. A copy of the school policy shall be issued to each public school. In issuing these reports, the Kansas state department of education will ensure that as much information and data as possible is provided on the use of seclusion and restraint in order to allow patrons, policymakers and the public to be able to compare the data on the use and incidences between school districts and individual schools. In compiling the aggregate data, individual student confidentiality shall be reasonably protected.

Sec. 12. The state board of education shall promulgate rules and regulations as necessary to implement the provisions of this act.";

And by renumbering remaining section accordingly;

On page 1, in the title, in line 3, after "credit" by inserting "; regarding seclusion and restraint of pupils"

_____ District.