

**Written Testimony to Kansas Senate Committee on Education
In Support of Substitute for HB 2170**

**Submitted by Barbara Thompson, Ph.D.
Associate Professor of Special Education
University of Kansas
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I do not take issue with the concept of local control in matters that allow citizens to participate in decision making in relation to school curriculum and programs that fit local needs and facilitate innovative approaches. However, the regulation of seclusion and restraint procedures does not fit within this concept. Over the course of my career in education, both as a classroom teacher and as a teacher educator, I have had serious concerns about the use of seclusion and restraint because these are procedures that have well-documented potential for unethical, inhuman, and dangerous practices. Further, there are significant medical and behavioral risks inherent in using seclusion and restraint when there are; (a) regulations and standards that do not clearly regulate practices, and (b) school personnel who are not sufficiently trained to implement procedures or monitor a student's safety. Thus, I am very pleased to have an opportunity to voice my support for the Substitute HB 2170.

Substitute HB 2170 positively improves Kansas Schools' practices for safeguarding the rights of children and youth of Kansas to be treated with dignity and to be free from abuse. A noteworthy strength of the Substitute for HB 2170 is the inclusion of many of the principles from the U.S. Department of Education's document, *Restraint and Seclusion: A Resource*, dated May 2012. Based on a comprehensive review of practices and research, this document sets forth 15 principles for States, school districts, schools, parents, and other stakeholders to consider when developing or revising policies and procedures on the use of restraint and seclusion. As stated in the document:

. . . the principles make clear that restraint or seclusion should never be used except in situations where a child's behavior poses imminent danger of serious physical harm to self or others, and restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and staff (paragraph 1, pg. iii).

The inclusion of the language (i.e. “immediate danger of” “serious physical harm to self or others”) in Substitute HB 2170 directly addresses Principle 3 of the U.S. Dept. of Ed. document and goes directly to the source of our current regulation’s failure to protect many children. The previous regulatory language did not specify the use of restraint and seclusion under circumstances of “*immediate danger of serious physical harm to self or others*”. This has resulted in multiple occasions that have been documented in our Kansas schools in which the use of both restraint and seclusion have been used as a discipline method for non-dangerous behavior and for staff convenience and resulted in psychological trauma and injury of students. Additionally, Substitute HB 2170 offers a clarifying language related to Principles, 2, 7, 11, 12, 13, 14 and 15 by addressing: (a) standards of immediate danger, (b) medical contraindications for specific procedures, (c) staff training, (d) safety procedures for the implementation of seclusion as well as specific requirements for physical nature of seclusion space, and (d) guidelines for reporting procedures.

In conclusion, Substitute HB 2170 offer regulations that elevate practice and are well grounded on data. I believe the passage of Substitute HB will significantly enhance the right our children to be treated with dignity and the safety of schools and learning environments of Kansas for all children and adults.