

Testimony for **Senate Education Committee**

HB 2170 Seclusion and Restraint/Emergency Safety Regulations

3/11/15

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Honorable Chair Abrams and committee members,

The topic of seclusion and restraint has become a very personal issue for me--not as the Director of Special Education, President of KASEA, or Special Education Advisory member--but as the **parent of a child** who was in need of 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 incidence of what some would label a "rage" reaction. Similar to a tic, these incidences came on rapidly and were not well controlled. These outbursts were often violent and to protect him and others the school at times needed a seclusion option. In fact, as my son grew older he would initiate his own seclusion to calm down.

Out of these personal experiences--I became involved in many activities addressing how schools can responsibly and appropriately address violent behavior. Now, 10 years later I can assure the committee many things have happened, For example:

- 1) Regulations are in place outlining procedures for schools to address Emergency Safety Interventions (ESI);
- 2) School staff are trained in de-escalation and positive behavior supports as first steps in dealing with volatile

situations; and

3) ESI's are only used in crisis situations with reporting procedures in place to parents and school administrators.

Attached is the ESI Requirements Checklist used to monitor schools.

In Kansas, we are in the forefront when it comes to Emergency Safety Intervention guidance (including seclusion and restraint). The current plan created by the State Board of Education, whom drew on the expertise of many stakeholder groups (Kansas Special Education Advisory Council, Kansas Association of Special Education Administrators, Families Together, Law Enforcement agencies etc.), is the right approach for all. Painstakingly, reviewed, discussed and vetted the current regulations are balanced and workable.

In closing, I urge you to support the State Board of Education's regulations on this topic. HB 2170 will be a step backward and only confuse schools, staff, and parents in addressing ESI.

Respectfully, Kathy KO

ESI REQUIREMENTS CHECKLIST

Name and Title: _____

USD Number and Building Name: _____

Date Completed: _____

Directions: Complete the checklist by recording Y for Yes, N for No, and NA for Not Applicable under “In Place?” for each item on the checklist. Submit written or electronic documentation of policies, procedures, or forms for items marked Y on the checklist. For items documented on a website, please submit screen shots.

In Place?	Emergency Safety Intervention (ESI) Requirement
	1. The district has developed and implemented written policies to govern the use of ESIs for all schools and all students.
	2. All required definitions are included in district ESI policies and those definitions conform to the ESI regulations.
	3. School correctly applies definitions to determine occurrences of ESI.
	4. Written policies include requirement that seclusion and physical restraint shall be used only when student conduct meets the definition of necessitating an ESI.
	5. Written policies include prohibition of: • prone restraint, • supine restraint, • physical restraint that obstructs the airway of a student, • any physical restraint that impacts a student’s primary mode of communication, • chemical restraint (except as prescribed treatments), or • mechanical restraint (except for protective or stabilizing devices ordered by an appropriately-licensed person, device used by law enforcement, or safety equipment used to secure students during transportation).
	6. Parents are provided annually with the written policies on the use of ESIs.
	7. Written policies are accessible on the school’s web site.
	8. Written policies are included in school’s code of conduct, school safety plan, or student handbook.
	9. School personnel training addresses prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.
	10. Training is consistent with nationally recognized training programs.
	11. Training is designed to meet the needs of personnel as appropriate to their duties.
	12. School maintains documentation on training provided.
	13. School maintains lists of participants for all trainings.

	14. All school personnel are trained to some degree.
	15. Documentation of each incident of ESI includes: • Date and time of ESI, • Type of ESI, • Length of time the ESI was used, and • School personnel who participated in or supervised the ESI.
	16. Written parental notification provided whenever an ESI is used.
	17. Written parental notification provided within two school days.
	18. Procedures are established for the collection, maintenance, and periodic review of the use of ESI at each school.
	19. Policies are in place for a local dispute resolution process, including: • A complaint investigation procedure, • A procedure for parents to present written complaints to the local Board of Education (BOE) to initiate complaint investigation by the local BOE, and • A procedure for parents, the school and KSDE to receive written findings of fact and, if necessary, corrective action from the local BOE within 30 days of filing of a complaint by a parent.
	20. Information maintained by the school is compiled and submitted, at least biannually, to the district superintendent or district designee.
	21. All incidents of ESI, for all students for which this building is responsible regardless of where the student attends, were reported to KSDE through the Kan-Dis web application by the reporting dates set by KSDE.
	22. Documentation of the school's or district's use of ESI has been provided to KSDE upon written request of KSDE.
	23. Procedure established for this building to collect ESI documentation on any student for which it is responsible that attends a different building (whether in- or out-of-district) and then report those ESI incidents to KSDE.
	24. Procedure established for this building to disseminate ESI documentation to a student's responsible building for any student that attends in this building, but whose responsible building is elsewhere (whether in- or out-of-district). This ESI documentation was disseminated in time for the student's responsible building to complete its reports to KSDE.
	25. Any cooperative, interlocal, or independent contractor that serves district students has provided information to parents regarding the appropriate venue for investigation and resolution of a complaint.

Comments: