



Senate Education Committee

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Presented by:
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Executive Director

NAMI Kansas is the state organization of the National Alliance on Mental Illness, a grassroots organization whose members are individuals living with mental illnesses and their family members who provide care and support. NAMI Kansas provides programs of peer support and education by and for our members through a statewide network of local affiliates. We advocate for individuals who are living with mental illness to ensure their access to treatment and supportive services.

We have been active participants over the years in discussions about state policy on seclusion and restraints in schools and other institutional settings with the Kansas State Board of Education, the former Department of Social and Rehabilitative Services, and in the legislature.

We urge your support of Substitute for HB 2170. The current regulations adopted by the Board of Education are inadequate to address dangerous situations involving the use of seclusion and restraints in our schools.

More than half of children and adolescents with emotional disorders have been the victims of physical or sexual abuse. Many of these students are among those most likely to be involved in situations involving seclusion and restraints in schools. Any intervention involving seclusion and restraints is likely to re-traumatize these students. To that end we need to take appropriate precautions to minimize any use of seclusion and restraints.

Sub. for HB 2170 establishes the more clear standard of “imminent risk of serious physical harm” rather than the weaker standard of “immediate danger” embodied in the current regulations. This “serious physical harm” standard is actually a compromise in and of itself. It is recommended by the US Department of Education. This standard adds specificity to keep teachers and children safe. The current regulatory standard is too unclear and weak. This is consistent with NAMI’s policy on

seclusion and restraints which states that “the use of involuntary mechanical or human restraints or involuntary seclusion is only justified as an emergency safety measure in response to imminent danger to one’s self or others. These extreme measures can be justified only so long as, and to the extent that, the individual cannot commit to the safety of themselves and others.”

We believe that Sub. for HB 2170 creates a uniform and effectively enforceable policy that provides the right level of protection for children.

We look forward to your deliberations. Thank you for the opportunity to be heard on this proposed legislation.