

February 2, 2016

The Honorable Connie O'Brien, Chairperson
House Committee on Children and Seniors
Statehouse, Room 187-N
Topeka, Kansas 66612

Dear Representative O'Brien:

SUBJECT: Fiscal Note for HB 2534 by House Committee on Children and Seniors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2534 is respectfully submitted to your committee.

HB 2534 would amend current law relating to the restraint and seclusion of students with an individual education plan (IEP). The bill would add "chemical restraint" to current law, which would be defined as the use of medication to control a student's violent physical behavior or restrict a student's movement. Also the term "mechanical restraint" would be defined as any device or object used to limit a student's movement.

The bill would prohibit an "emergency safety intervention (ESI)," if the student is known to have a medical condition that could put the student in mental or physical danger from the ESI. The existence of a medical condition would be required to be indicated in a written statement from the student's licensed healthcare provider. A student may be subjected to an ESI, if not subjecting the student to an ESI would result in significant physical harm to the student or others.

When a student would be subjected to an ESI, the school would be required to notify the parent the same day the ESI was used. If a school is aware that a law enforcement officer or school resource office has used seclusion, physical restraint, or mechanical restraint on a student, the school would be required to notify the parent or guardian the same day. A mechanical restraint would include the use of handcuffs. After each ESI incident, a parent or guardian could request a meeting with the school to discuss the incident. The meeting would have to occur within ten school days of the request.

According to the Department of Education, enactment of HB 2534 would have no fiscal effect, as the bill codifies many rules and regulations already adopted by the State Board of Education.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Dale Dennis, Education