



Janet Waugh District 1	Sue Storm District 2	John W. Bacon District 3	Carolyn L. Wims-Campbell District 4	Sally Cauble District 5
Kathy Martin District 6	Kenneth Willard District 7	Walt Chappell District 8	Jana Shaver District 9	David Dennis District 10

Great students. Great teachers. Great leaders. Great citizens.

March 8, 2012

TO: Senate Education Committee

FROM: Sue Storm, Legislative Coordinator
Kansas State Board of Education

SUBJECT: 2012 House Bill 2444

It is my pleasure to report to you regarding the activities and progress of the Kansas State Board of Education (KSBE) and Kansas State Department of Education (KSDE) in relation to the *Kansas Guidelines for the Use of Seclusion Rooms and Restraint*, adopted by the KSBE in 2007, written to stress positive preventative support and to provide guidance on how to use seclusion and restraint in a safe and effective manner when those interventions prove necessary.

With the adoption of the guidelines in 2007, KSDE was charged to begin collecting data on the use of seclusion with students with disabilities in the schools. Schools are asked to report annually whether they have an identified seclusion room that meets KSBE guidelines. Quarterly, schools are asked to report any instances of seclusion in the school involving students with disabilities. Information gathered from the quarterly reports is collected by KSDE and presented annually to the Special Education Advisory Council (SEAC) to assist and guide recommendations for further action by KSBE.

In June 2011, KSBE approved expanding the reporting requirements pursuant to recommendations from SEAC. Beginning this 2011-2012 school year, schools are asked to report any instances of seclusion and restraint with any student. Accompanying the change in reporting requirements, KSBE began using the term "Emergency Safety Interventions" (ESI) when referring to seclusion and restraint. This change in terminology denotes the use of such practices only in emergency situations when the student is at risk of hurting him or herself or others.

KSDE provides technical assistance to schools, districts, and parents, who have questions about the use of ESI in the classroom through: (1) checklists, developed to aid schools in evaluating incidents for reporting purposes; (2) sample reporting logs, developed to assist schools in reviewing an incident to identify what precipitated the incident and how future incidents can be decreased or eliminated, and; (3) direct assistance to schools and parents, provided through various means including webinars, phone conversations, and electronic communication to address best practice and questions on what constitute ESIs and the use of such practices.

The additional reporting requirements and the inclusion of the words "emergency" and "safety" when discussing seclusion and restraint, beginning in the 2011-2012 school year, identified the need for additional technical assistance on ESIs at both the local and state level. A team of KSDE staff and service providers, throughout the 2011-2012 school year, have presented at conferences and meetings on the realities of ESIs, including the legal perspective and best practice when using ESIs in the school environment. These presentations have targeted leaders in the schools, leaders in both general and special education, to continue the conversation of how ESIs are used, documented, and prevented in the school environment.

A further reporting requirement for the 2011-2012 school year requires schools to indicate whether school staff is provided training in ESI and Positive Behavior Interventions and Supports (PBIS) on an annual basis. The addition of this requirement reaffirms KSBE and KSDE's strong commitment to the use of PBIS in the schools and discouragement of the use of ESIs by untrained staff. Kansas' Multi-Tier System of Supports (MTSS) provides training and resources to support schools in the implementation of PBIS school-wide. The MTSS Symposium in September, 2011, had over 1,064 professionals in attendance and included a specific strand of presentations on behavior from the leading experts in the field on how PBIS can be used to benefit all students in a safe and supportive school environment.

Additionally, the Safe and Supportive Schools (S3) Grant was awarded to the Kansas State Department of Education in October, 2010, by the Office of Safe and Drug Free Schools, U.S. Department of Education. The program is designed to support statewide measurement of a "Conditions for Learning" (CFL) Index, a marker that reflects school climate with respect to safety, environment and student engagement. The grant's overarching goal is to improve school climate and reduce substance abuse through targeted programmatic interventions. The work on this program has been across teams in KSDE, resulting in the inclusion of ESIs in the "Safe Schools Manual". This, again, reaffirms KSBE and KSDE's position that ESIs should only be used in emergency, or crisis, situations when a student is in danger of hurting him or herself or others.

Under the parameters of the 2007 *Kansas Guidelines for the Use of Seclusion Rooms and Restraint*, the efforts undertaken by KSBE, KSDE, and local education agencies have been a benefit for all Kansas students. Kansas has been a leader in the attempts to examine how seclusion and restraint "work" in the schools and continues to adapt to the changing climate—educational, social, and political—to ensure that all students are free from undue, unnecessary, and unsafe seclusion and restraint. I am proud of these contributions and confident that we will remain responsive to our students' and communities' needs and dedicated to providing safe schools for all Kansas kids.

I ask today that you do not make a final decision on HB 2444 until the Kansas State Board of Education has a chance to meet on Tuesday, March 13, 2012, to consider this matter and make recommendations to this Committee. I thank you for your time and consideration.

<p>HB 2444 "Freedom from Unsafe Restraint and Seclusion Act"</p>	<p>Comparison of HB 2444 to Current Practices in Kansas</p>	<p>Current Practices in Kansas 2007 Guidelines and Recommendations Adopted by KSBE in June 2011</p>
<p>Limits the application of imminent risk of harm in regards to property destruction to actions that pose an immediate threat to self or others</p>	<p>Definitions</p>	<p>Imminent risk of harm in regards to property is a violent action that may involve a substantial risk of injury to person.</p>
<p>No inclusion or mention of seclusion as appropriate behavior intervention strategy or in child's BIP or IEP, but no prohibition of its inclusion.</p>	<p>Seclusion</p>	<p>Allows use of a seclusion room only if the action is specified in the student's IEP, BIP, or imminent risk of harm.</p> <p>Seclusion referred to as an Emergency Safety Intervention (ESI).</p>
<p>No inclusion or mention of physical restraint as appropriate behavior intervention strategy or in child's BIP or IEP, but no prohibition of its inclusion.</p> <p>Mechanical restraint is prohibited for use with all students, unless ordered by an appropriately licensed person or law enforcement.</p>	<p>Restraint</p>	<p>Physical restraint only permitted if a child's behavior presents an imminent risk of harm or the child is involved in an altercation (same as HB 2444).</p> <p>Same guidance on mechanical restraint.</p> <p>Restraint referred to as an Emergency Safety Intervention (ESI).</p>
<p>Limited to reporting on the use of seclusion and restraint with students with disabilities.</p>	<p>Scope</p>	<p>Recommendations adopted by KSBE in June 2011 expanded the guidelines – covering all students and reporting on the use of seclusion and restraint (ESIs).</p>
<p>Training programs on appropriate use of physical restraint and seclusion techniques are approved by KSDE.</p>	<p>Training</p>	<p>Training is focused on the appropriate use of ESIs in the schools, and schools must select training programs consistent with nationally-recognized training programs.</p>
<p>Reporting use of physical restraint and seclusion <u>only</u> on students with disabilities.</p> <p>KSDE sets reporting requirements of LEAs.</p>	<p>Reporting by LEAs</p>	<p>Each school reports annually if a seclusion room is in use, and if school uses Positive Behavior Intervention Supports (PBIS).</p> <p>Quarterly reporting to KSDE use of ESIs on all students by school.</p>
<p>KSDE would report out annually to the public, the Governor, and Committee's on Education.</p>	<p>Reporting by KSDE</p>	<p>The Director of Special Education reports annually to the Special Education Advisory Council (SEAC) to make recommendations to KSBE.</p>

