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MEMORANDUM

To: House Committee on Children and Families

From: Renae Jefferies, Assistant Revisor

Date: January 24, 2012

Subject: HB 2444

HB 2444 enacts the freedom from unsafe restraint and seclusion act.

Section 2 of the bill sets out the definitions of the act.

Section 3, page 2, sets out the rules to protect a child with a disability from being subject to unreasonable, unsafe or unwarranted use of physical restraint or seclusion rooms. A child with a disability shall not be physically restrained or put in a seclusion room for purposes of discipline or punishment or for convenience of the staff. Physical restraint or seclusion should only be used if the child's behavior presents an imminent risk of harm to such child or others.

The child shall not be physically restrained or put in a seclusion room except by an employee who has been appropriately trained in such techniques. The employee shall be able to observe and hear the disabled child at all times while the child with a disability is in a seclusion room. The seclusion room shall be proportional and with similar characteristic as other rooms students frequent and shall have a locking door that automatically disengages when the employee viewing the child walks away.

Section 4, pages 2 to 3, provides that the employee using physical restraint or seclusion room on the disabled child or the employee who witnessed its use shall document such use by the day after the use of the physical restraint or seclusion room. A copy shall be provided to the parent of the disabled child.

Each public school shall report its use of physical restraint or of a seclusion room to the Kansas Department of Education. The Department of Education shall compile the data received from all the public schools and provide the results to the public, the governor and the legislative committee's on education by January 20, 2013.

Section 5, page 3, provides that the state board of education promulgate rules and regulations to implement this act.

The act takes effect upon publication in the statute book.