



SHAWNEE MISSION SCHOOL DISTRICT

Arrowhead Administrative Center
6601 Santa Fe Drive · Shawnee Mission, Kansas 66202-3925
Phone (913) 993-8600 · Fax (913) 993-8614 · www.smsd.org

Department of Special Education

March 8, 2012

Senate Education Committee, Chairman Senator Jean Schodorf

RE: HB-2444 Opposed

- This bill will mandate additional regulations, beyond those already required in federal law. The Shawnee Mission School District is opposed to increasing state regulations in an already over-regulated, under-funded federal program. Our district does not seclude children and for the last five years we have been attempting to implement the use of restraint in the manner outlined in this bill.
- Under this bill, a student can only be physically restrained if his/her behavior presents an "imminent risk of harm", which the bill defines as an "immediate and impending threat of a person causing **substantial** physical injury". This means that in the split second before a staff person can physically restrain a student, they must use their judgment to determine if there is a risk of **substantial** physical injury. It appears under this bill that some level of injury (anything less than substantial) is acceptable and physical restraint would not be permitted to prevent this level of injury. This is extremely dangerous for staff and students and requires a level of judgment on the part of staff that is unrealistic.
- In addition, physical restraint can only be used for destruction of school property if it also poses a threat of substantial physical injury. In practice, this means that school staff must stand by while a student destroys any and all school property without intervening unless they are able to determine there is a risk of substantial physical injury. The staff member's only recourse would be to stand in the way and try to block the student (at their own personal risk) or call the police.
- If this bill passes as written, I anticipate the number of school initiated police calls in Kansas will increase because there will be more situations where that is the only option available to staff. We have already seen this in our district as we will not allow our schools to seclude students so our only alternative is to call law enforcement; the parents are not happy that this is what we have to do. I can only anticipate even more injury to other students and staff by children if we are not allowed to restrain when we see it is necessary to assist in getting a student back under instructional control.
- There is not a problem in Kansas that needs to be resolved with more regulation which will prove costly for the state and local school districts. This is what we've seen in our district: we have had no children physically injured by restraint, but in restricting the use of restraints, we have had a significant increase in staff being physically injured with increased workers comp claims; we have had a very significant increase in training costs of all staff; with more awareness to not put "hands on" a student we have seen more police involvement in our student cases, at a much younger age; we have significantly increased placements in more restrictive programs; we have more out-of-school suspensions and 45 school day interim alternate placements, and a significant increase in extremely expensive out-of-district placements.
- Kansas currently has Emergency Safety Intervention guidelines. There have been no substantiated formal complaints regarding seclusion or restraint since the guidelines were put in place in Kansas over six years ago. The guidelines are sufficient in guiding and monitoring districts. If the guidelines are not followed, parents already have remedies available to them. Remedies already available to parents are requesting mediation or a due process hearing, filing a formal complaint with KSDE or the Office of Civil Rights, or contacting SRS to ask for an investigation of any improper treatment of children. None of these are intimidating; a formal complaint takes one phone call to the State Department of Education or OCR, and then third party investigators take over.
- This bill is attempting to solve a problem that does not exist, and is in fact causing more risk of injury to students and staff in Kansas schools. Please, do not support this bill.

A.02