

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2444

As Amended by House Committee on Children
and Families

Brief*

HB 2444 would establish statutory limits for the use of seclusion and restraint in public schools, thereby codifying the current guidelines issued by the State Board of Education. Among the bill's provisions are the following:

- Prohibit a child from ever being restrained or placed in a seclusion room for the purposes of discipline or punishment, or for the convenience of staff;
- Forbid the use of mechanical restraint on any child. The definition of "mechanical restraint" would exclude a protective or stabilizing device either ordered by a person appropriately licensed to do so or required by law, and it would exclude any device used by a law enforcement, campus police, or school security officer in carrying out law enforcement duties;
- Allow the use of seclusion or restraint on a child with a disability only if the behavior of the child presented an imminent risk of harm, which term is also defined in the bill;
- Allow only trained school employees to seclude or restrain a disabled child;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Require that the supervising school employee be able to see and hear a child with a disability while the child is in a seclusion room; and
- Define a number of other terms.

The bill also would require annual reporting on the use of seclusion and restraint by the Department of Education beginning in 2014.

Background

In 2007, the State Board of Education adopted guidelines regarding seclusion and restraint. These guidelines are issued to all Kansas public schools. It is these guidelines that the bill would codify.

The proponents for the bill included the Disability Rights Center, Keys for Networking, the National Alliance on Mental Illness (NAMI Kansas); the Association of Community Mental Health Centers of Kansas, Inc.; Crisis Prevention, Inc.; and concerned parents. The proponents stated that the current guidelines in place with the Department of Education are inadequate to ensure the safety of children in schools.

Opponents included representatives from schools in Doniphan County, the Shawnee Mission School District, and Wamego, and representatives of the Kansas Association of School Boards, ANW Special Education Interlocal, and the Northwest Kansas Educational Services Center. The opponents stated that the current guidelines from the Department of Education were being used in schools and were sufficient.

A representative of the Kansas State Board of Education provided neutral testimony. The Board representative stated that they would continue to regulate according to the current standards, whether those standards were guidelines or statutory.

The House Committee on Children and Families amended the bill in several ways. First, the Committee amended the bill to require the Department of Education to publish the policy and issue a copy to each public school. Second, the Committee changed the date for annual reporting to the Legislature to begin from January 20, 2013 to January 20, 2014, to ensure that a full school year of reporting would have taken place prior to the initial report. Finally, the Committee struck the words "with a disability" from page 2, line 5, in a section about mechanical restraint, hence expanding the mandate so that no child is subjected to mechanical restraint.

According to the fiscal note provided by the Division of the Budget this bill would have no fiscal effect.