

KASEA

*The Kansas Association of
Special Education
Administrators*
www.ka-sea.org

House Committee on Children and Seniors

HB 2170

Terry Collins, Ed.S. Director of Doniphan County Education Cooperative #616
on behalf of
The Kansas Association of Special Education Administrators (KASEA)

Thank you for the opportunity to represent the Kansas Association of Special Education Administrators today as “opponent” regarding HB 2170.

The Kansas Association of Special Education Administrators, and the United School Administrators /Kansas, believe the Kansas State Board of Education and the Kansas State Department of Education diligently considered the safety of Kansas students and school staff in the process and development of the Regulations for Emergency Safety Interventions.

- The Current ESI regulations have been in effect for nearly two years. In that time only one parent with a concern went to a local board through the required dispute resolution process. Two other parental concerns were resolved at the local level. No evidence that would indicate a need for HB 2170 has been brought to the attention of the Kansas Association of Special Education Administrators. To my knowledge, The Kansas State Department of Education is also unaware of any such evidence.
- We believe that the State Board has created, through stakeholder input, regulations that create consistent and enforceable standards for school and district staff to follow.
- We believe the enforceable standards cover a wide variety of topics including definitions of restraint and seclusion as well as prohibitions on certain types of restraint that are considered most dangerous to students.
- We believe the regulations help keep students and staff safe.
- We believe the regulations provide adequate requirements for staff training.
- We believe the regulations ensure that parents are notified in a timely manner when an ESI is used with their child.
- We believe the regulations provide a clear standard of when an ESI may be used with a student and where a district’s policy must be posted to ensure that parents have access to it.
- We believe the regulations require standards for documentation of all incidents of ESI, for procedures requiring district-level review of the ESI data, and for reporting of ESI data to the Kansas State Department of Education (KSDE)
- We believe the regulations require a local dispute resolution process for parents in order to resolve any concerns regarding ESI.

- We believe that district staff has worked very hard to put these enforceable standards in place in each of their districts.
- We believe ESI regulations require that physical restraint and seclusion only be used when a student presents an immediate danger to self or others
- We believe that district staff has spent a great deal of time and effort training all staff to this standard and that there does not appear to be confusion in the districts about this standard or how to apply it.
- KSDE and the Technical Assistance System Network (TASN) has provided extensive training all across Kansas to district staff and parents to ensure that everyone involved has an understanding of the standards contained within the ESI regulations.
- These trainings have been offered to district staff of all types - from bus drivers to superintendents, and at every level – secondary, elementary, and early childhood.
- TASN has brought national experts to Kansas to provide free or low-cost training to help districts meet the ESI regulations’ requirement that all staff be trained in prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.
- KSDE staff has also analyzed districts’ ESI data and then focused extra technical assistance efforts to buildings reporting the highest numbers of seclusion and restraint.
- KSDE staff and TASN have also created an extensive page of resources located on the TASN website that we invite you to review, <http://ksdetasn.org/cms/index.php/esi-resources>.
- In addition, the State Board passed proposed regulations for an administrative review process. Parents may use it to appeal concerns regarding ESI to KSDE if they were not resolved in the local dispute resolution process.
- We believe this process provides a parent with the same right to be heard as is afforded to districts.
- Outside of the regulations, The Kansas Association of Special Education Administrators in collaboration with Families Together Inc., Keys for Networking, and The Disability Rights Center has created a statewide steering committee for the resolution of parental concerns regarding Emergency Safety Interventions.

In short, we believe that the State Board has created regulations that provide an enforceable standard that

1. Covers definitions as well as prohibitions of ESI.
2. Provide for adequate training of staff.
3. Requires timely notification to parents if an ESI is implemented.
4. Clearly states where a district’s policy must be located to ensure parents have access to it.
5. Require that all incidents must be documented.
6. Require procedures for district level review.
7. Require reporting ESI data to the State Department of Education.
8. Require a local dispute resolution process.
9. In addition the SBOE passed proposed regulations for an administrative review process that provides the parent with the same right to be heard as is afforded the district.
10. KASEA, Keys for Networking, Families Together Inc., and DRC are collaborating in order to assure parental concerns are addressed.

Again, the Kansas Association of Special Administrators thanks you for the opportunity to speak here today and we encourage you not to move forward with HB 2170.

