



Early Childhood, Special Education, and Title Services

120 SE 10th Avenue, Topeka, Kansas 66612-1182 ★ Toll Free 800-203-9462 ★ www.ksde.org

Early Childhood Services: Phone 785-296-6602 ★ FAX 785-296-6715

Special Education Services: Phone 785-291-3097 ★ FAX 785-296-6715

Title Services: Phone 785-296-3069 ★ FAX 785-296-5867

Date: November 13, 2012

To: Legislative Education Planning Committee

From: Colleen Riley, KSDE - Director, Early Childhood, Special Education, Title Programs

RE: Emergency Safety Interventions (Seclusion and Restraint) Update

- **History of Regulations:**

- 2007 – Guidelines passed by Kansas State Board of Education (KSBE) on the use of Seclusion and Restraint in Kansas Public Schools.
- June 2011- Broadened reporting to include instances of seclusion and restraint for all students and approved the use of “**Emergency Safety Interventions**” to refer to seclusion and restraint.
- March 2012 –KSBE requests recommendation from Special Education Advisory Council (SEAC) on potential action regarding Emergency Safety Interventions (ESI).
- March and April 2012 – SEAC, with support from KSDE staff, held meetings and solicited testimony from key stakeholders including parents, technical assistance providers, Kansas Parent Information Center, Disability Rights Center, Families Together, Kansas Association School Boards, United School Administrators, Project STAY, and Kansas Association of Special Education Administrators.
- April 2012 – Presentation of SEAC recommendations to the KSBE. The KSBE tasked KSDE staff with developing proposed regulations for consideration.
- May 2012 – KSBE approved proposed regulations.
- May 2012 – Proposed regulations submitted to Department of Administration
- Summer 2012 – Approval received from Department of Administration; proposed regulations submitted to Attorney General’s office for approval.
- Fall 2012 – Approval received from Attorney General’s office.
- November 13, 2012 – KSBE scheduled to set the public hearing on the proposed regulations
- February 12, 2013 –Anticipated public hearing on the proposed regulations
 - **This date will be confirmed following the KSBE meeting today (11/13/12)**

- **Interim Activities led by the KSDE:**

- Parent Guide: KSDE and Families Together developed a document for families that illustrates key tenants of the proposed regulation, in hopes of beginning a dialogue between families and the schools about ESI.
- Bookmark: KSDE and Tertiary Behavior Supports developed a document for the practitioner that serves much of the same purpose of the Family Guide. Its use is intended for the education, development of consistent and correct language, and providing a concrete message to foster conversations at the school level between administration, staff, and families.
- Trainings: KSDE and Project STAY have developed presentations and trainings for administrators, practitioners, and partner projects focusing on the basics of ESI (common language and key concepts) and resources for the prevention and reduction of the use of ESI with any student.

- Mirror the key principles put forth by the US Department of Education.
- **KSDE's Next Steps:**
 - Once the Board sets the public hearing later today our staff will submit the hearing notice packet to the Secretary of State. The notice will be published in the *Kansas Register*.
 - In January, the Joint Committee on Administrative Rules and Regulations will review and comment on the proposed regulations.
 - After the public hearing in February 2013. KSDE staff will then obtain approval of any revisions, if necessary, and file the regulations with the Secretary of State.
 - The regulations will then be published in the *Kansas Register* and 15 days later the regulations will take effect.
 - We are hopeful the regulations can be in effect by **March or April of 2013**.
 - KSDE staff, in collaboration with other stakeholders, will begin offering training and support in the form of live presentations, webinars, and handouts as soon as the regulations are finalized to provide direction to the field.
- **Additional Documents Available Upon Request:**
 - (1) Current draft of regulations
 - (2) Parent guide
 - (3) Bookmark
 - (4) US Department of Education Resource Document