

6 February 2017

TO: Rep. J. Russell Jennings – Chair, House Corrections and Juvenile Justice

FROM: Dr. Marvin J. Miller, Chair, Kansas Special Education Advisory Council (SEAC)

RE: HB 2243 – Use of Mechanical Restraints by Non-Law Enforcement Officers in Schools.

The Kansas Special Education Advisory Council (SEAC) opposes HB 2243. For those unaware, SEAC is a mandated council required to be comprised of a majority of members impacted by disability of themselves or their children. Members include administrators, teachers, service providers, parents, and advocates scattered across the state in large urban and small rural districts alike. Over the course of the last four years, the Kansas SEAC has been in the middle of discussions on the appropriate usage of ESI (Emergency Safety Interventions – including Seclusion and restraint) for ALL students in ALL school settings. Guidelines were initially issued, regulations developed and then legislation was approved in 2015 which established the ESI Task Force, comprised of various stakeholders across the state. I was one of the representatives of SEAC on that task force and served as the initial recording secretary for the meetings. Last year, the Kansas legislature gave nearly unanimous assent to the joint recommendation of the State Board of Education, KSDE, SEAC, and the DRC.

During those meetings, representatives of the state board, special education administrators, medical professionals, disability advocates and others met quite frequently to hear testimony and discuss numerous scenarios. I myself traveled around the state visiting different districts and settings to hear their unique concerns and see their strategies. We discussed at length over the course of several meetings where appropriate boundaries could be drawn. We looked at the training educators were required to take. We looked at the different ways local districts used local law enforcement agencies and school resource officers. We even examined how ESI legislation would affect those students in juvenile detention and the department of corrections. In other words, we were extremely thorough in our analysis. Our final guidelines gave clear authority to professional sworn law enforcement men and women to carry out their duties as

they were trained while simultaneously making it clearly understood that no school employees, including security officers hired by districts, should ever utilize mechanical restraints.

Those of us who work daily with students who exhibit flashes of rage and misdirected anger have been trained in deescalating tension – with the use of physical restraint as the last possible resort. Yes, there are times I have witnessed the unfortunate necessity of a professional law enforcement officer use mechanical restraint, but only after significant time, talking, and de-escalation has occurred first by my colleagues and then by the law enforcement officer themselves and only after someone has chosen to press charges. That is no longer an emergency safety intervention but a professional law enforcement action! A well thought out plan of action, accompanied by training, and implemented by highly qualified educators will allow adequate time for professional law enforcement officers to arrive when and if needed to take a student into custody. The premise behind this bill's request is flawed; its unintended consequences will be borne upon students of disability and their families. There is no need to infringe upon the protections duly afforded a student in an educational environment.

The Kansas Special Education Advisory Council (SEAC) respectfully requests that no further action be taken on this bill.

Rev. Dr. Marvin J. Miller
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Member, Legislative Task Force on the use of Emergency Safety Interventions (ESI)
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