

HOUSE BILL No. 2243

By Committee on Corrections and Juvenile Justice

2-1

1 AN ACT concerning schools; authorizing school security officers to use
2 certain types of emergency safety interventions; amending K.S.A. 2016
3 Supp. 72-89d03 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 72-89d03 is hereby amended to read as
7 follows: 72-89d03. (a) Emergency safety interventions shall be used only
8 when a student presents a reasonable and immediate danger of physical
9 harm to such student or others with the present ability to effect such
10 physical harm. Less restrictive alternatives to emergency safety
11 interventions, such as positive behavior interventions support, shall be
12 deemed inappropriate or ineffective under the circumstances by the school
13 employee witnessing the student's behavior prior to the use of any
14 emergency safety interventions. The use of an emergency safety
15 intervention shall cease as soon as the immediate danger of physical harm
16 ceases to exist. Violent action that is destructive of property may
17 necessitate the use of an emergency safety intervention. Use of an
18 emergency safety intervention for purposes of discipline, punishment or
19 for the convenience of a school employee shall not meet the standard of
20 immediate danger of physical harm.

21 (b) A student shall not be subjected to an emergency safety
22 intervention if the student is known to have a medical condition that could
23 put the student in mental or physical danger as a result of the emergency
24 safety intervention. The existence of such medical condition must be
25 indicated in a written statement from the student's licensed health care
26 provider, a copy of which shall be provided to the school and placed in the
27 student's file. Such written statement shall include an explanation of the
28 student's diagnosis, a list of any reasons why an emergency safety
29 intervention would put the student in mental or physical danger and any
30 suggested alternatives to the use of emergency safety interventions.
31 Notwithstanding the provisions of this subsection, a student may be
32 subjected to an emergency safety intervention, if not subjecting the student
33 to an emergency safety intervention would result in significant physical
34 harm to the student or others.

35 (c) When a student is placed in seclusion, a school employee shall be
36 able to see and hear the student at all times.

1 (d) All seclusion rooms equipped with a locking door shall be
2 designed to ensure that the lock automatically disengages when the school
3 employee viewing the student walks away from the seclusion room, or in
4 cases of emergency, such as fire or severe weather.

5 (e) A seclusion room shall be a safe place with proportional and
6 similar characteristics as other rooms where students frequent. Such room
7 shall be free of any condition that could be a danger to the student, and
8 shall be well-ventilated and sufficiently lighted.

9 (f) The following types of restraint shall be prohibited:

10 (1) Prone, or face-down, physical restraint; supine, or face-up
11 physical restraint; physical restraint that obstructs the airway of a student;
12 or any physical restraint that impacts a student's primary mode of
13 communication;

14 (2) chemical restraint, except as prescribed treatments for a student's
15 medical or psychiatric condition by a person appropriately licensed to
16 issue such treatments; and

17 (3) mechanical restraint, ~~except those:~~

18 (A) Protective or stabilizing devices either ordered by a person
19 appropriately licensed to issue the order for the device or required by law;;

20 (B) any device used by a certified law enforcement officer in carrying
21 out law enforcement duties;;

22 (C) *any device used by a school security officer when such use*
23 *complies with subsection (b) and local board policies adopted pursuant to*
24 *subsection (g)(2); or*

25 (D) seatbelts and any other safety equipment when used to secure
26 students during transportation.

27 (g) Each local board shall develop and implement written policies to
28 govern the use of emergency safety interventions in schools. At a
29 minimum, written district policies shall conform to the standards,
30 definitions and requirements of this act.

31 Such written policies shall include ~~that:~~

32 (1) *School personnel training that:*

33 (A) ~~School personnel training shall be~~ *Is* designed to meet the needs
34 of personnel as appropriate to their duties and potential need for the use of
35 emergency safety interventions;

36 (B) ~~training shall address~~ *addresses* prevention techniques, de-
37 escalation techniques and positive behavioral intervention strategies; *and*

38 (C) ~~training shall be~~ *is* consistent with nationally recognized training
39 programs; ~~and~~

40 (D) ~~schools shall maintain written or electronic documentation on~~
41 ~~training provided and lists of participants in each training for inspection by~~
42 ~~the Kansas state board of education;~~

43 (2) *if one or more school security officers are employed, school*

- 1 *personnel training for school security officers that:*
- 2 (A) *Conforms to the training requirements of subsection (g)(1);*
- 3 (B) *provides training on the use of mechanical restraint; and*
- 4 (C) *only permits a school security officer to use mechanical restraint*
- 5 *when significant physical harm to the student or others would occur if*
- 6 *mechanical restraint on the student is not used;*
- 7 (3) a local dispute resolution process ~~shall be developed~~, which shall
- 8 include the following:
- 9 (A) A procedure for a parent to file a complaint with the local board.
- 10 If a parent believes that an emergency safety intervention has been used on
- 11 the parent's child in violation of the act, rules and regulations or the local
- 12 board's emergency safety intervention policy, the parent may file a
- 13 complaint within 30 days of the date on which the parent was informed of
- 14 the use of the emergency safety intervention;
- 15 (B) a procedure for complaint investigation;
- 16 (C) a procedure to implement a dispute-resolution final decision. The
- 17 local board's decision shall be in writing and shall include findings of fact
- 18 and any corrective action required by the school if the local board deems
- 19 such action necessary. The local board's final decision shall be mailed to
- 20 the parent and the department within 30 days of the the local board's
- 21 receipt of the complaint; and
- 22 (D) a procedure setting out the parent's right to request an
- 23 administrative review by the state board, including information as to the
- 24 deadline by which the parent must submit the request to the state board;
- 25 ~~(3)~~ (4) a system for the collection and maintenance of documentation
- 26 for each use of an emergency safety intervention as set forth in K.S.A.
- 27 2016 Supp. 72-89d04, and amendments thereto;
- 28 ~~(4)~~(5) a procedure for the periodic review of the use of emergency
- 29 safety interventions at each school, which shall be compiled and submitted
- 30 at least biannually to the superintendent or the superintendent's designee;
- 31 and
- 32 ~~(5)~~ (6) a schedule for when and how parents are provided with notice
- 33 of the local board's written policies on the use of emergency safety
- 34 interventions.
- 35 (h) (1) Written policies developed pursuant to this act shall be
- 36 accessible on each school's website and shall be included in each school's
- 37 code of conduct, school safety plan or student handbook; *and*
- 38 (2) *schools shall maintain written or electronic documentation on all*
- 39 *personnel training provided pursuant to subsection (g) and shall maintain*
- 40 *lists of all participants in each training session for inspection by the*
- 41 *Kansas state board of education.*
- 42 (i) (1) Campus police officers and school resource officers shall be
- 43 exempt from the requirements of this act when engaged in an activity that

1 has a legitimate law enforcement purpose.

2 (2) School security officers shall not be exempt from the
3 requirements of this act, *except as otherwise provided in this act.*

4 Sec. 2. K.S.A. 2016 Supp. 72-89d03 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.