USD 258 Humboldt
801 New York Street, Humboldt KS

Emergency Safety Intervention
Parent Information Packet

If an emergency safety intervention occurs, parents are strongly encouraged to schedule a meeting to 1) discuss the incident, 2) discuss prevention of future use of emergency safety interventions, and 3) discuss behaviors that initiated the incident. Below are the contacts available to assist in scheduling this meeting. This meeting will be scheduled no later than ten (10) school days from when the parent makes the request unless the parent cannot meet at the proposed times.

Elementary Principal, 620-473-2461
staci.hudlin@usd258.net

Middle School Principal, 620-473-3348
ron.james@usd258.net

High School Principal, 620-473-2251
kyle.stanley@usd258.net

Superintendent, 620-473-3121
amber.wheeler@usd258.net

Local ESI Resources: www.usd258.net

State ESI Resources: www.ksdetasn.org

Families Together Resources: https://familiestogetherinc.org/spedrights/restraint-seclusion/

USD 258 Humboldt Cubs

Dr. Amber Wheeler, Superintendent
801 New York Street, Humboldt, KS 66748
620-473-3121

Humboldt Elementary School
Staci Hudlin, Principal
620-473-2461

Humboldt Middle School
Ron James, Principal
620-473-3348

Humboldt High School
Kyle Stanley, Principal
620-473-2251

Date: _____

Dear Parent or Guardian of _____,

We are writing to inform you that an emergency safety intervention has been used with your child due to behavior that presented a reasonable and immediate danger of physical harm to your child or others. An emergency safety intervention (ESI) is the use of seclusion or physical restraint. Details of the incident regarding your child are included below.

This is the first time an ESI has been used on your child this school year. Accordingly, we are providing you with website links and printed copies of the standards for when ESI may be used, a flyer on your rights under ESI law, information on your right to file a complaint with the local board of education through the local dispute resolution process, information on your right to request administrative review from the Kansas State Board of Education, and information to assist you in navigating these processes. If future incidents occur, we will provide you with the website link so that you may access this information electronically. We recommend keeping this packet of information in case you have future questions or concerns. Once you have had time to review the information, please call us with any remaining questions.

If you would like to provide feedback, you may do so below and return to the school office.

Local ESI Resources: https://www.usd258.net/190414_2 State ESI Resources: www.ksdetasn.org

Families Together Resources: https://familiestogetherinc.org/spedrights/restraint-seclusion/

Sincerely,

_____

Signature

_____ _____

Printed Name Phone Number

*Copy of the letter, incident report provided to Building Principal and Superintendent.
*Copy of the letter, incident report and ESI parent information provided to Parent/Guardian

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After the first ESI incident, you were provided with printed copies for when ESI may used, a flyer on your rights under ESI law, information on your right to file a complaint with the local board of education through the local dispute resolution process, information on your right to request administrative review from the Kansas State Board of Education, and information to assist you in navigating these processes. Please look over that information or access the documents from the local ESI website listed below. Once you have had time to review the information, please call us with remaining questions.

If you would like to provide feedback, you may do so below and return to the school office.

Local ESI Resources: https://www.usd258.net/190414_2 State ESI Resources: www.ksdetasn.org

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After the first ESI incident, you were provided with printed copies for when ESI may be used, a flyer on your rights under ESI law, information on your right to file a complaint with the local board of education through the local dispute resolution process, information on your right to request administrative review from the Kansas State Board of Education, and information to assist you in navigating these processes. Please look over that information or access the documents from the local ESI website listed below. Once you have had time to review the information, please call us with any remaining questions. This is the third incident of ESI with your child this school year. Therefore, we must hold a meeting to determine how best to support your child moving forward. Possible dates and times are listed below. We will call you very soon to set up the date and time for this meeting and will work with you to find an agreeable meeting date and time if the dates and times listed below do not work. Your child is invited to attend this meeting.

If you would like to provide feedback, you may do so below and return to the school office.

Local ESI Resources: https://www.usd258.net/190414_2 State ESI Resources: www.ksdetasn.org

Families Together Resources: https://familiestogetherinc.org/spedrights/restraint-seclusion/

Sincerely,

_____

Signature

_____ _____

Printed Name Phone Number

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*Copy of the letter, incident report and ESI parent information provided to Parent/Guardian

Emergency Safety Intervention Documentation Form

Student's Name: _____

Student's KIDS ID Number: _____

Date of incident: _____

At the time of the incident, did the student have:

An IEP ☐ Yes ☐ No

A 504 Plan ☐ Yes ☐ No

A behavior intervention plan ☐ Yes ☐ No

Instructions

This documentation is intended to be completed by the staff member most engaged with the child and situations that resulted in the use of Emergency Safety Intervention (ESI). Collaboration between staff members may be appropriate in the completion of the documentation. Having each witness document the event is best practice.

Complete Step 1, Incident Log and Step 2, Incident Documentation, in full detail. Additional Step 2 Incident Documentation sections A-C may be necessary. Please add sections to Step 2 as needed. This document should fully reflect all circumstances surrounding the need for ESI.

Step 1: Incident Log

*Note: Enter seclusion and restraint as separate incidents, even if both occurred from one behavioral issue. For example, if a student is restrained during an incident and then secluded, enter restraint as one line item and seclusion as another.

Line #	Time ESI Started	Time ESI Ended	Total Minutes	Type of ESI (seclusion or restraint)	Staff Involved	(A)–(C) filled out?
1						
2						
3						
4						
5						
6						
7						
8						
9						

Step 2: Incident Documentation

For the following documentation, document each incident that occurs on the same day. You may use the same form for the same day if the triggering issue necessitating the emergency safety intervention is the same. You must provide the following information for each incident listed on the previous page, either on its own or grouped with other incidents. Follow your district's policy for documenting and tracking behaviors. All of the following descriptions should be thorough. Please use as many copies of this document as needed to thoroughly describe each incident listed.

Incident Line Number(s): _____

(A) In detail, describe the events leading up to the incident, the antecedent. *Please include time of daily schedule, location, activity child was engaged with, staff or peer interactions, or other information that could indicate an antecedent.*

(B) In detail, describe the student behaviors that necessitated the emergency safety intervention. *What behavior was the child exhibiting that was an immediate risk of physical harm to the child or others?*

(C) In detail, describe the steps taken to transition the student back into the educational setting. *What de-escalation techniques were engaged to help calm the child? Who assisted in this process?*

Incident Line Number(s): _____ (Print additional pages as needed)

(A) In detail, describe the events leading up to the incident. *Please include time of daily schedule, location, activity child was engaged with, staff or peer interactions, or other information that could indicate an antecedent.*

(B) In detail, describe the student behaviors that necessitated the emergency safety intervention. *What behavior was the child exhibiting that was an immediate risk of physical harm to the child or others?*

(C) In detail, describe the steps taken to transition the student back into the educational setting. *What de-escalation techniques were engaged to help calm the child? Who assisted in this process?*

Notification Details

D) In detail, describe the notification to the parent.

Who notified the guardian or caretaker? _____

What time was the guardian or caretaker notified? _____

Was the notification by phone, email, in-person? _____

Who notified the parent of the information available on the Families Together page?

_____

Other notification details:

_____

_____

_____

E) In detail, describe where the documentation of the incident is filed. Who collected the documentation for all parties involved? What time was the documentation submitted? Where is the documentation being collected and housed?

Where is the documentation of the incident filed? _____

Who collected the documentation for all parties involved? _____

When was all documentation submitted? _____

Other documentation details:

_____

_____

(See GAO, JRB, JQ, and KN)

The board of education is committed to limiting the use of Emergency Safety Intervention ("ESI"), such as seclusion and restraint, with all students. Seclusion and restraint shall be used only when a student's conduct necessitates the use of an emergency safety intervention as defined below. The board of education encourages all employees to utilize other behavioral management tools, including prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.

This policy shall be made available on the district website with links to the policy available on any individual school pages. In addition, this policy shall be included in at least one of the following: each school's code of conduct, school safety plan, or student handbook. Notice of the online availability of this policy shall be provided to parents during enrollment each year.

Definitions

"Area of purposeful isolation" means any separate space, regardless of any other use of that space, other than an open hallway or similarly open environment.

"Campus police officer" means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-6146, and amendments thereto.

"Chemical Restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.

"Emergency Safety Intervention" is the use of seclusion or physical restraint but does not include physical escort or the use of time-out.

"Incident" means each occurrence of the use of an emergency safety intervention.

"Law enforcement officer" and "police officer" mean a full-time or part-time salaried officer or employee of the state, a county, or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.

"Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.

"Mechanical Restraint" means any device or object used to limit a student's movement.

"Parent" means:

- a natural parent;
- an adoptive parent;
- a person acting as a parent as defined in K.S.A. 72-3122(d)(2), and amendments thereto;

- a legal guardian;
- an education advocate for a student with an exceptionality;
- a foster parent, unless the student is a child with an exceptionality; or
- a student who has reached the age of majority or is an emancipated minor.

"Physical Escort" means the temporary touching or holding the hand, wrist, arm, shoulder, or back of a student who is acting out for the purpose of inducing the student to walk to a safe location.

"Physical Restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction shall not be deemed to be physical restraint.

"Purposefully isolate" when used regarding a student, means that school personnel are not meaningfully engaging with the student to provide instruction and any one of the following occurs:

1. Removal of the student from the learning environment by school personnel;
2. Separation of the student from all or most peers and adults in the learning environment by school personnel; or
3. Placement of the student within an area of purposeful isolation by school personnel.

"School resource officer" means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

"School security officer" means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located but is not a law enforcement officer or police officer.

"Seclusion" means placement of a student for any reason other than for in-school suspension, detention, or any other appropriate disciplinary measure in a location where both of the following conditions are met:

- School personnel purposefully isolate the student; and
- the student is prevented from leaving or has reason to believe, that the student will be prevented from leaving the area of purposeful isolation.

"Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded.

Prohibited Types of Restraint

All staff members are prohibited from engaging in the following actions with all students:

- Using face-down (prone) physical restraint;
- Using face-up (supine) physical restraint;
- Using physical restraint that obstructs the student's airway;
- Using physical restraint that impacts a student's primary mode of communication;
- Using chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue such treatments; and
- Use of mechanical restraint, except:
  - Protective or stabilizing devices required by law or used in accordance with an order from a person appropriately licensed to issue the order for the device;
  - Any device used by a certified law enforcement officer to carry out law enforcement duties; or
  - Seatbelts and other safety equipment when used to secure students during transportation.

Use of Emergency Safety Interventions

ESI shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to affect physical harm. Less restrictive alternatives to ESI, such as positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any ESI. The use of ESI shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive of property may necessitate the use of an ESI. Use of an ESI for purposes of discipline, punishment, or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

ESI Restrictions

A student shall not be subjected to ESI if the student is known to have a medical condition that could put the student in mental or physical danger as a result of ESI. The existence of such medical condition shall be indicated in a written statement from the student's licensed health care provider, a copy of which has been provided to the school and placed in the student's file.

Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why ESI would put the student in mental or physical danger, and any suggested alternatives to ESI. In spite of the provisions of this subsection, a student may be subjected to ESI if not subjecting the student to ESI would result in significant physical harm to the student or others.

Use of Seclusion

When a student is placed in seclusion, a school employee shall see and hear the student at all times. The presence of another person in the area of purposeful isolation or observing the student from outside the area of purposeful isolation shall not create an exemption from otherwise reporting the incident as seclusion. When a student is placed in or otherwise directed to an area of purposeful isolation, the student shall have reason to believe that the student is prevented from leaving.

If the area of purposeful isolation is equipped with a locking door designed to prevent a student from leaving the area of purposeful isolation, the door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the area of purposeful isolation, or in case of emergency, such as fire or severe weather.

An area of purposeful isolation shall be a safe place with proportional and similar characteristics as those of rooms where students frequent. Such area shall be free of any condition that could be a danger to the student, well-ventilated, and sufficiently lighted.

Training

All staff members shall be trained regarding the use of positive behavioral intervention strategies, de-escalation techniques, and prevention techniques. Such training shall be consistent with nationally recognized training programs on ESI. The intensity of the training provided will depend upon the employee's position. Administrators, licensed staff members, and other staff deemed most likely to need to restrain a student will be provided more intense training than staff who do not work directly with students in the classroom. District and building administration shall make the determination of the intensity of training required by each position.

Each school building shall maintain written or electronic documentation regarding the training that was provided and a list of participants, which shall be made available for inspection by the state board of education upon request.

Notification and Documentation

The principal or designee shall notify the parent the same day as an incident. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contacting the parent. A parent may designate a preferred method of contact to receive the same-day notification. Also, a parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.

Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day of the incident. Such written documentation shall include:

A. The events leading up to the incident;

B. student behaviors that necessitated the ESI;

C. steps taken to transition the student back into the educational setting;

D. the date and time the incident occurred, the type of ESI used, the duration of the ESI, and the school personnel who used or supervised the ESI;

E. space or an additional form for parents to provide feedback or comments to the school regarding the incident;

F. a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future incidents; and

G. email and phone information for the parent to contact the school to schedule the ESI meeting. Schools may group incidents together when documenting the items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the ESIs is the same.

The parent shall be provided the following information after the first and each subsequent incident during each school year:

- A copy of this policy which indicates when ESI can be used;
- a flyer on the parent's rights;
- information on the parent's right to file a complaint through the local dispute resolution process (which is set forth in this policy) and the complaint process of the state board of education; and
- information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas.

Upon the first occurrence of an incident of ESI, the foregoing information shall be provided in printed form or, upon the parent's written request, by email. Upon the occurrence of a second or subsequent incident, the parent shall be provided with a full and direct website address containing such information.

Law Enforcement, School Resource, and Campus Security Officers

Campus police officers and school resource officers shall be exempt from the requirements of this policy when engaged in an activity that has a legitimate law enforcement purpose. School security officers shall not be exempt from the requirements of this policy.

If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the school shall notify the parent the same day

using the parent's preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth above, regarding law enforcement use of an emergency safety intervention, or report to the state department of education any law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

Documentation of ESI Incidents

Except as specified above with regard to law enforcement or school resource officer use of emergency safety interventions, each building shall maintain documentation any time ESI is used with a student. The documentation shall include all of the following:

- Date and time of the ESI,
- Type of ESI,
- Length of time the ESI was used,
- School personnel who participated in or supervised the ESI,
- Whether the student had an individualized education program at the time of the incident,
- Whether the student had a section 504 plan at the time of the incident, and
- Whether the student had a behavior intervention plan at the time of the incident.

All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent or the superintendent's designee on at least a biannual basis. At least once per school year, each building principal or designee shall review the documentation of ESI incidents with appropriate staff members to consider the appropriateness of the use of ESI in those instances.

Reporting Data

District administration shall report ESI data to the state department of education as required.

Parent Right to Meeting on ESI Use

After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing, or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the parent's request. The focus of any such meeting shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

For a student with an IEP or a Section 504 plan, such student's IEP team or Section 504 plan team shall discuss the incident and consider the need to conduct a functional behavioral assessment, develop a behavior intervention plan, or amend the behavior intervention plan if already in existence.

For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for a special education evaluation. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

For a student without an IEP or Section 504 plan, the school staff and the parent shall discuss the incident and consider the appropriateness of a referral for a special education evaluation, the need for a functional behavioral assessment, or the need for a behavior intervention plan. Any such meeting shall include the student's parent, a school administrator for the school the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for such meeting.

The student who is the subject of such meetings shall be invited to attend the meeting at the discretion of the parent. The time for calling such a meeting may be extended beyond the 10-day limit if the parent of the student is unable to attend within that time period. Nothing in this section shall be construed to prohibit the development and implementation of a functional behavior assessment or a behavior intervention plan for any student if such student would benefit from such measures.

Local Dispute Resolution Process

If a parent believes that an emergency safety intervention has been used on the parent's child in violation of state law or board policy, the parent may file a complaint as specified below.

The board of education encourages parents to attempt to resolve issues relating to the use of ESI informally with the building principal and/or the superintendent before filing a formal complaint with the board. Once an informal complaint is received, the administrator handling such complaint shall investigate such matter, as deemed appropriate by the administrator. In the event that the complaint is resolved informally, the administrator must provide a written report of the informal resolution to the superintendent and the parents and retain a copy of the report at the school. The superintendent will share the informal resolution with the board of education and provide a copy to the state department of education.

If the issues are not resolved informally with the building principal and/or the superintendent, the parents may submit a formal written complaint to the board of education by providing a copy of the complaint to the clerk of the board and the superintendent within thirty (30) days after the parent is informed of the incident.

Upon receipt of a formal written complaint, the board president shall assign an investigator to review the complaint and report findings to the board as a whole. Such investigator may be a board member, a school administrator selected by the board, or a board attorney. Such investigator shall be informed of the obligation to maintain confidentiality of student records and shall report the findings of fact and recommended corrective action, if any, to the board in executive session.

Any such investigation must be completed within thirty (30) days of receipt of the formal written complaint by the board clerk and superintendent. On or before the 30th day after receipt of the written complaint, the board shall adopt written findings of fact and, if necessary, appropriate corrective action. A copy of the written findings of fact and any corrective action adopted by the board shall only be provided to the parents, the school, and the state department of education and shall be mailed to the parents and the state department within 30 days of the board's receipt of the formal complaint.

If desired, a parent may file a complaint under the state board of education administrative review process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process.

Approved:

KASB Recommendation – 6/13; 12/13; 6/15; 6/16; 6/18; 12/18; 6/23

TASN

ESI At-A-Glance
Revised 7/23/24

An *Emergency Safety Intervention* is the use of ***seclusion*** or ***physical restraint*** at a ***last resort*** when a student presents a danger to self or others.

Seclusion: Placement of a student for any reason other than for in-school suspension or detention or any other appropriate disciplinary measure in a location where the following conditions are met:
(1) School personnel purposefully isolate the student
(2) The student is prevented from leaving, or the student has reason to believe that the student will be prevented from leaving the area of purposeful isolation

- Placing does not imply that the student must be restrained and physically forced into an enclosed room for a seclusion to occur
- An enclosed area means any separate area, regardless of size or permanent enclosure, whether the door is left open or closed, or whether the area has a door
- Purposefully isolated means any separate space, regardless of any other use of that space, other than an open hallway or similarly open environment
- Purposefully isolated also means that school personnel are not meaningfully engaging with the student to provide instruction and any one of the following occurs:
    - Removal of the student from the learning environment by school personnel
    - Separation of the student from all or most peers and adults in the learning environment by school personnel
    - Placement of the student within an area of purposeful isolation by school personnel
- When a student is placed in or otherwise directed to an area of purposeful isolation, the student shall have reason to believe they are being prevented from leaving
- The presence of another person in the area of purposeful isolation or observing the student from outside the area of purposeful isolation shall not create an exemption from otherwise reporting the incident as seclusion
- The intent of seclusion is to keep students and staff safe and **NOT** for discipline, punishment, or staff convenience

Example of Seclusion	Non-Example of Seclusion
A student flops to the floor while being escorted to the classroom and proceeds to hit staff while sitting on the floor. When the bell rings, staff place foldable mats around the student to prevent the student from hitting peers.	A student is meaningfully engaged in a math worksheet with the para in the corner of the room that is sectioned off with dividers. Student was told the worksheet needed to be completed before leaving to go to recess.
A student is in the safe room with one staff member ignoring them and another staff member is holding the door shut or cracked open	A student asks the door to be shut to the safe room while they are in there alone as a de-escalation strategy and are told they can open it at any time

A student is sitting on the floor in the safe room and a staff member is sitting on a chair in the doorway ignoring the student	The classroom is cleared of all peers due to throwing computers across the room. Staff remain in the classroom with the student and tell her she can leave when she is ready.

Seclusion Evaluation Tool: The purpose of the evaluation tool is to help educators work through various scenarios to determine whether their interventions result in the seclusion of a student.

Physical Restraint: Bodily force used to substantially limit a student's movement temporarily

- Bodily force means the amount of pressure used by one's hands, arms, or body on another person's body
- The amount of bodily force used to restrain the student should be only what is necessary to diffuse the emergency and ensure the safety of staff and students
- Limiting a student's movement means to control a child's movement for the purpose of preventing the movement from continuing to cause harm to self or others
- Physical escorts where staff are controlling a student's upper body to transport to another location is considered a physical restraint.
- If mechanical or chemical restraints are ordered by a person appropriately licensed to issue the order is used, the IEP should detail the circumstances under which the mechanical or chemical restraint should be used, how often it should be used, alternatives, or discontinuation of the use of the mechanical or chemical restraint as a goal
- Physical restraint does **NOT** include pressure by one's hands, arms or body that is consensual, solicited, and for the intent to provide comfort, assistance or instruction
- The intent of physical restraint is to keep students and staff safe and **NOT** for discipline, punishment, or staff convenience

Prohibited Forms of Restraint:

- Prone (face-down) and supine (face-up) physical restraint
- Physical restraint that obstructs the student's airway
- Any physical restraint that impacts a student's primary mode of communication
- Mechanical restraint, but not including protective/stabilizing devices either ordered by an appropriately licensed person or required by law; any device used by a law enforcement officer in carrying out law enforcement duties; seatbelts and any other safety equipment when used to secure students during transportation
- Chemical restraint, but not including prescribed treatments for a student's medical or psychiatric condition by an appropriately licensed person to issue these treatments

Example of Restraint	Non-Example of Restraint
Guide a resistant child's shoulders to sit down and not let go until they comply	Provide deep pressure to a child's shoulders who agrees to the touch prior to using it
Escort a resistant child to a safe room using CPI's Transport Position	Guide a child to a safe room by holding their hand and child does not attempt to let go

Holding on to a resistant child's gait belt in order to prevent them from leaving an area	Holding on to a compliant child's gait belt who is trying to walk to the door to transition to the next class

At Last Resort: When a student presents a reasonable and immediate danger with the present ability to apply such physical harm AND alternatives have been exhausted or deemed inappropriate due to safety

- Presents a reasonable and immediate danger with the present ability to apply such harm means the risk of harm to self or others by the behavior being displayed is greater than the risk of being injured from the use of an ESI
    - *Examples:* banging head consistently on a hard surface, continuously being aggressive towards others at an intensity that would cause harm, throwing heavy items at others
    - *Non-Examples:* leaving room/area without permission, refusing to comply with directions, threatening verbally or physically with no data to support follow-through, ripping up an assignment, standing on furniture
- Alternatives have been exhausted or deemed inappropriate means all prevention strategies have been implemented with fidelity prior to the use of an ESI and the behavior continues to be a reasonable and immediate danger to self or others OR there is not sufficient time to implement the prevention strategies due to behavior being an immediate danger to self or others
    - *Examples:* offering a break in a calm down area with de-escalation tools available, blocking the aggression, modifying the task, modifying the reinforcement, modifying the environment, switching staff
    - *Non-Examples:* giving only verbal prompts after non-compliance, giving a time-out without assisting with calming strategies
- Use of an ESI must stop immediately when danger of physical harm ceases to exist and **NOT** when compliance is observed

Example of "At Last Resort"	Non-Example of "At Last Resort"
A student has a fistful of your hair and is punching you in the face. Other staff disengage the hair pull then physically escort the student to a safe place to de-escalate	A 3-year-old slaps your face one time then runs across the room
A child runs into oncoming traffic on a busy street and lays down	A child stands still on top of a table and refuses to get down
A child throws multiple computers at other students and the other students cannot leave the area before getting hurt	A child rips up their assignment and throws it at the teacher

A child escaped the safe room and was escorted back. During the escort, the student punched a staff person and broke their nose before being placed back in seclusion	The child remained in seclusion for 5 minutes after he stopped screaming and pounding on the door due to staff still being upset

Please visit KSDE Emergency Safety Interventions (ESI) Page for further information.

The contents of this (insert presentation, article, video, etc.) were developed under an agreement from the Federal Department of Education to the Kansas Department of Education. However, those contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Kansas Department of Education or the Federal Government.
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Where can I find out more information about Emergency Safety Interventions (Seclusion and Restraint)?

FAMILIES TOGETHER, INC.

Families Together, Inc.
www.familiestogetherinc.org

Topeka Parent Center
1-800-264-6343
topeka@familiestogetherinc.org

Wichita Parent Center
1-888-815-6364
wichita@familiestogetherinc.org

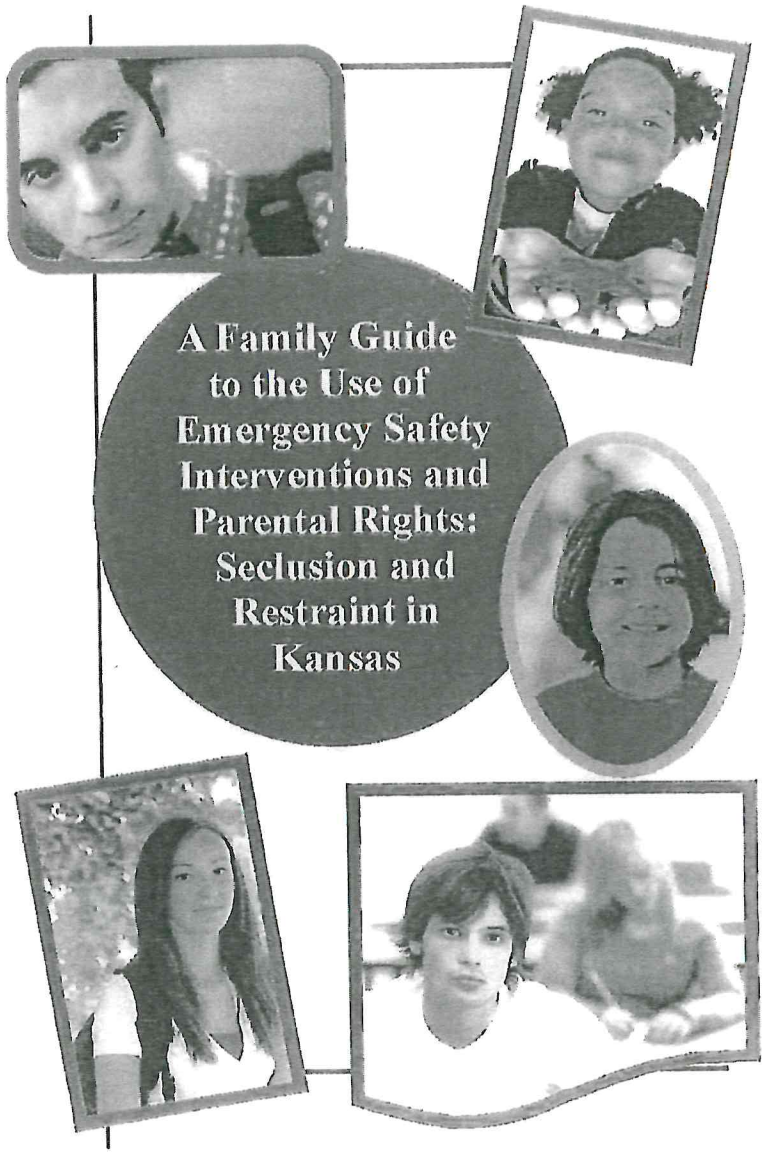
Garden City Parent Center
1-888-820-6364
gardencity@familiestogetherinc.org

Kansas Parent Information Resource Center

Kansas Parent Information Resource Center (KPIRC)
1-866-711-6711
www.kpirc.org

Kansas State Department of Education (KSDE)
1-800-203-9462
www.ksde.org
www.ksdetasn.org

Kansas State Department of Education



A Family Guide to the Use of Emergency Safety Interventions and Parental Rights: Seclusion and Restraint in Kansas

What are Emergency Safety Interventions?

Emergency Safety Interventions (ESI) are seclusion and restraint that are used when the student presents a reasonable and immediate danger of physical harm to self or others.

What is Seclusion?

Seclusion means placement of a student in a location where all the following conditions are met:

1. the student is **placed** in an enclosed area by school personnel;
2. the student is purposefully **isolated** from other adults and peers; and,
3. the student is prevented from leaving, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

Time-out is not the same as seclusion. Time-out is when a student is temporarily removed from the learning activity, but is not confined.

What is Restraint?

Restraint can take form in different ways. The definition of **physical restraint** is bodily force used to substantially limit a student's movement. The use of prone physical restraint (face-down) and supine physical restraint (face-up) are prohibited. Physical restraint may not obstruct the airway of the student or impact the student's primary mode of communication.

Mechanical restraint is defined as any device or object used to limit a person's movement. The use of mechanical restraint is prohibited in Kansas except those protective or stabilizing devices ordered by a person appropriately licensed to issue the order for the device. Mechanical restraint used by a law enforcement officer in carrying out law enforcement duties is allowed. Seatbelts and/or other safety equipment when used to secure students during transportation are also allowed.

Chemical restraint is prohibited in Kansas. A student may take prescribed treatments for a medical or psychiatric condition when they are prescribed by a person who is properly licensed to prescribe medication.

Consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction is not physical restraint.

A Focus on Prevention

Replacement Behaviors

A replacement behavior is when a student replaces an inappropriate behavior with an appropriate one that continues to serve the same function for the student. When selecting replacement behaviors, the team should address the following questions:



- Does the replacement behavior work as well as the challenging behavior in meeting the student's needs?
- Will it be an acceptable alternative to the challenging behavior?
- Will the replacement behavior be something the student will choose to do and that his or her family and teachers support?
- Will the replacement behavior help build a positive reputation for the student?

Students should be recognized and rewarded for choosing to utilize replacement behaviors to be most effective.

The Kansas State Department of Education

- does not promote the use of emergency safety intervention with any student;
- recommends a focus on prevention;
- stresses that emergency safety intervention is not part of a tiered intervention system or student behavior plan – it is only to be used in an emergency and that
- emergency safety interventions are reactive strategies and do not decrease the likelihood of a behavior from occurring.

Tip!

An FBA can be conducted at any time for a student who does not respond to school-wide behavioral interventions. Following the assessment, a behavior intervention plan may be developed. As a parent, you have the right to request an FBA.

A Focus on Prevention

Functional Behavioral Assessments

All behaviors are functional and are maintained in environments that support them. If your child's behavior impedes the learning of self or others, you can request a functional behavioral assessment (FBA). An FBA can help teams determine the when, where, how and why problematic behavior occurs. A comprehensive FBA includes interviews, record reviews, observation and data collection, graphing data collected, testing hypotheses, curriculum analysis, implementation of interventions and evaluation of effectiveness of the plan. FBAs should identify antecedents (what happens just before the behavior occurs), a clearly defined picture of the behavior that is occurring, and the reinforcers (what happens just after the behavior occurs). Teams need to determine what the function of the behavior is so that they may provide successful interventions or teach replacement behaviors that meet the same function for the student.

Identify Antecedents
What happens just before the behavior occurs?

↓

Clear Picture of the Behavior and Reinforcers
What happens just after the behavior occurs?

↓

The Function of the Behavior
What does the student get from the behavior?

Behavior Intervention Plans

Behavior Intervention Plans (BIP) should focus on proactive strategies to support students, including positive behavior interventions and supports. BIPs should be positive and instructive and based upon a functional behavioral assessment. A BIP should address:

- The function of the behavior
- Effective teaching of the expected behavior
- Rewards and consequences that are meaningful to the student
- Opportunities to self-manage behaviors
- Teach appropriate replacement behaviors

When May Emergency Safety Intervention be Used?

- May only be used when a student presents a reasonable and immediate danger of physical harm to self or others with the present ability to cause physical harm.
- Less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any ESIs.



- The use of ESI must stop as soon as the immediate danger of physical harm ends.
- ESI cannot be used for purposes of discipline, punishment, or for the convenience of a school employee.

Students with a known medical condition.

- An emergency safety intervention may not be used with a student if the student is known to have a medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention.
- The existence of such medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which shall be provided to the school and placed in the student's file.
- The written statement must include an explanation of the student's diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions.
- An emergency safety intervention may still be used if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

Parents should be proactive and provide the district with written documentation from their child's licensed health care provider outlining any medical condition that could put the student in mental or physical danger as a result of the ESI. You may use this form if you wish, http://ksdetasn.org/resources/843.

When Must a Parent be Notified an ESI has been Used?

- The school must notify the parent the same day the ESI was used. If the school is unable to contact the parent, the school shall attempt to contact the parent using at least two methods of contact.



- Written documentation of the ESI used must be completed and provided to the parent the same day the ESI was used. Written documentation must include:
  - The events leading up to the incident;
  - student behaviors necessitating the ESI
  - steps taken to transition the student back into the educational setting
  - the date and time the incident occurred, the type of ESI used, the duration of the ESI and the school personnel who used or supervised the ESI
  - space or an additional form for parents to provide feedback or comments to the school regarding the incident
  - a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of ESIs
  - School email and phone contact for the parent to schedule the ESI meeting.
- The parent must be provided with the following information in writing or, upon the parent's written request, by email, after the first ESI incident in a school year and provided with this information after subsequent ESI incidents through a web address:
  - A copy of the standards of when ESI can be used;
  - A flyer on the parent's rights under ESI law;
  - Information on the parent's right to file a complaint through the local dispute resolution process and the complaint process of the Kansas State Board of Education; and
  - Information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas.

Are There Requirements for Meetings Following an Emergency Safety Intervention?

The written documentation of an emergency safety intervention incident must contain:

- a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and
- email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting.



After an emergency safety intervention incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing, or by electronic means. The focus of any meeting convened shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

If a parent requests a meeting the meeting must be called within 10 school days. The time for calling this meeting shall be extended beyond the 10 school day limit if the parent is unable to attend within that time period.

What are the Emergency Safety Intervention Meeting Requirements for Students Parentally Placed in Private Schools?

For students who have an individualized education program (IEP) and are placed in a private school by a parent, a meeting called by the parent must include the parent and the private school, who shall consider whether the parent should request an IEP team meeting. If the parent requests an IEP team meeting, the private school must help facilitate such meeting.

Are Students Required to Attend the Meeting?

The parent shall determine whether the student shall be invited to any meeting.

What are the Requirements for Seclusion?



When a student is placed in seclusion, a school employee must be able to see and hear the student at all times.

All seclusion rooms that have a locking door must be designed to make sure that the lock automatically disengages when the school employee watching the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

A seclusion room must be a safe place with proportional and similar characteristics as other rooms where students frequent. A seclusion room must be free of anything that could be a danger to the student and must be well-ventilated and sufficiently lighted.

What Can I Do If I Feel that ESI has been Used Inappropriately with My Child?

If a parent believes that ESIs have been used that violate the ESI statute, ESI regulations, or the district's ESI policy, then the parent may file a complaint through the local dispute resolution process within 30 days of the use of ESI.

A parent may file a complaint through the Kansas State Board of Education's complaint process within 30 days from the date that a parent receives a final decision through the local dispute resolution process or after 30 days have passed since the parent filed a complaint through the local dispute resolution process, if the parent has not received the local board's final decision. The Administrative Review Request Form can be found at www.ksde.org/Default.aspx?tabId=524.



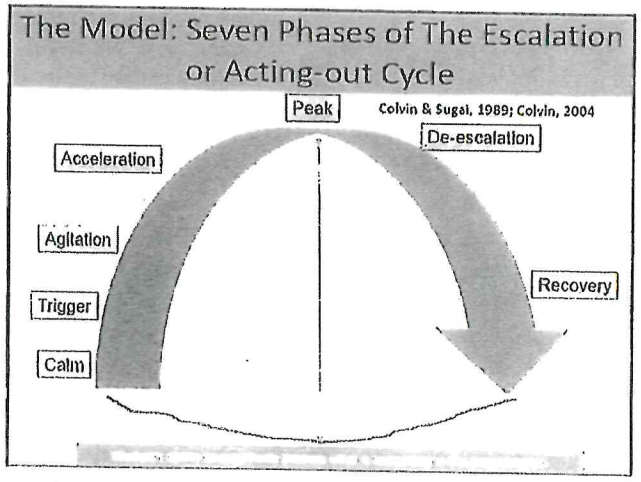
Tip!

If your child has a history of seclusion and restraint or challenging behavior, he or she could be eligible for additional supports and interventions. Parents are welcome to contact Families Together, Inc. to discuss possible options.

A Focus on Prevention

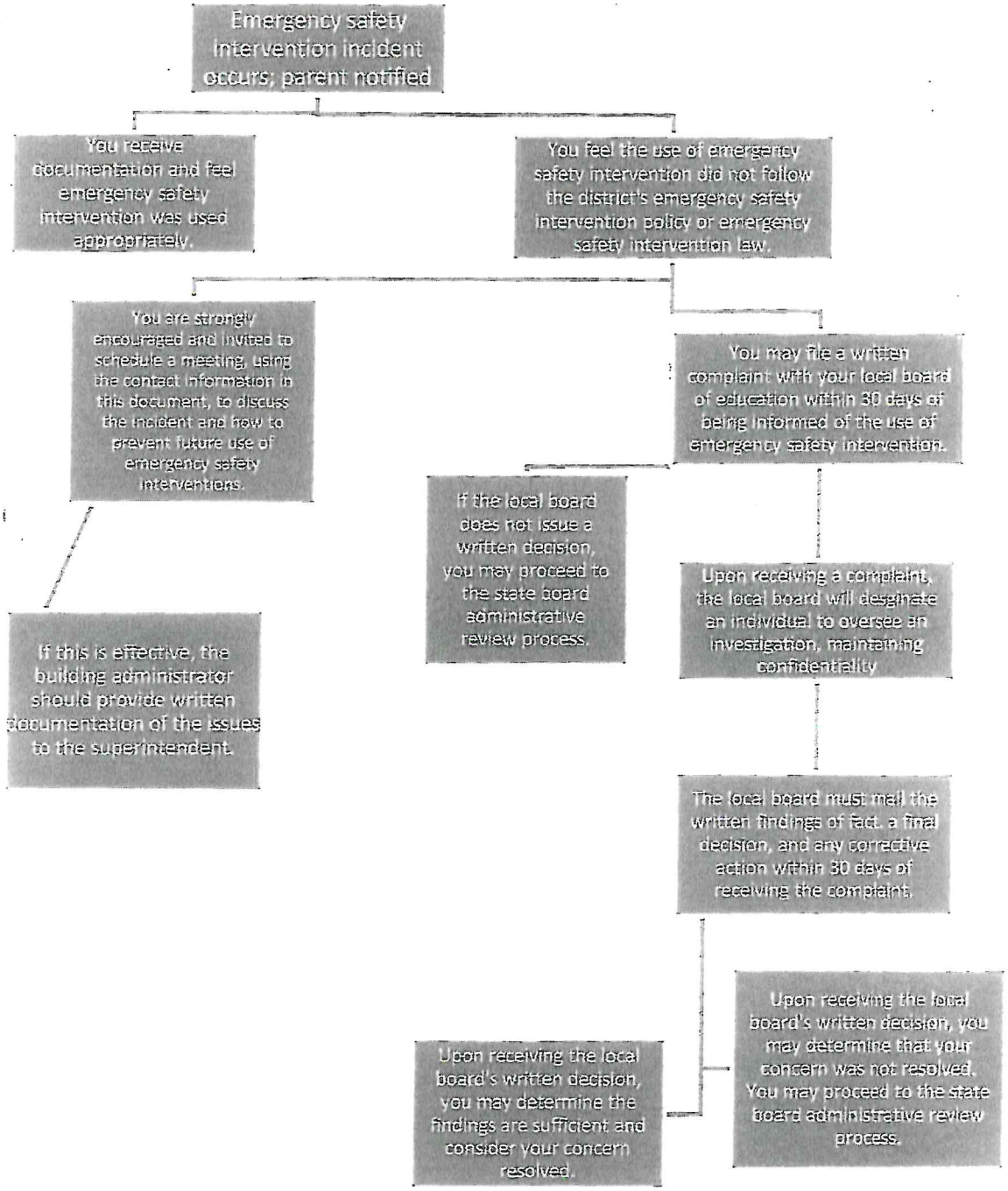
Why focus on Positive Interventions?

Positive interventions help build positive relationships and encourage new behaviors. Positive interventions also reinforce new skills and increase self-satisfaction and optimism among students, parents and teachers. All students need to be recognized and rewarded when they are meeting the expectations that have been established. Current research suggests positive recognition (rewards, reinforcements, praise) must occur more frequently than negative recognition. A well-developed behavior intervention plan should include many positive interventions in order to effectively change behavior. The first consideration should be the appropriateness of the interventions. The team should select interventions that are based upon the student's developmental level, motor ability, communication mode and other factors relevant to the student and the disability. Environmental and context related factors should also be considered. These might include things such as classroom seating, noise levels, peer issues, instruction that is too hard or too easy, transitions, and changes in the setting.



De-escalation is helpful to begin to identify acting out behavior early and use proactive strategies to decrease the use of seclusion and restraint.

Local Dispute Resolution Guide for Parents



State Board Administrative Review Process

Refer to K.A.R. 91-42-5 for complete information. The following provides a summary of the regulations regarding an administrative review initiated with the Kansas State Board of Education (State Board).

- If a parent believes an emergency safety intervention was used in violation of K.S.A. 2016 Supp. 72-89d01 through -89d09 or K.A.R. 91-42-1 through -7 and the parent filed a written complaint with their local board of education, then this parent may request an administrative review of the local board's decision from the State Board.
    - The request for administrative review must include the following information:
        - Name of the student and contact information;
        - Names and contact information for all involved parties (teachers, aides, administrators, and district staff), to the extent known;
        - A detailed statement of the reason for requesting an administrative review;
        - Any supporting facts and documentation; and
        - A copy of the complaint filed with the local board, the local board's final decision (if issued).
        - The written request for administrative review must be typed or legibly written and signed by the parent.
        - Relevant documents must be attached or, if unavailable, the documents must be referenced in the request for administrative review.
        - Written consent to disclose any personally identifiable information from the student's education records necessary to conduct an investigation

- The request for administrative review must be filed with the Commissioner of Education within 30 days of the local board issuing its final decision OR within 60 days from the date the parent filed a complaint with the local board, if the local board did not issue a final decision. You may mail this request to the Kansas State Department of Education, Landon State Office Building, 900 SW Jackson Street, Office of General Counsel, Room 102, Topeka, Kansas 66612. KSDE has provided a form for you to use, if you wish, and you can find it on the Emergency Safety Interventions page of the KSDE website, www.ksde.org/Default.aspx?tabid=524.

- A Hearing Officer will be designated by the State Board. The Hearing Officer must send a copy of the request for administrative review to the local board.

State Administrative Review Guide for Parents

You filed a complaint with the local board and you are not satisfied with the final decision about the use of an emergency safety intervention (ESI).

File a request for administrative review with the Kansas State Board of Education. You must do this within 30 days of the local board's final decision or, if the local board failed to issue a final decision, within 60 days of the date you filed a complaint with the local board.

Written request must include:

- Name and contact information of student that emergency safety intervention was used with
- Name and contact information for all people involved
- Statement describing the basis for the review with all supporting facts and documentation
- The local board's final decision, if one was issued
- Type or legibly write the complaint and sign it
- Written consent to disclose any personally identifiable information

You may use the form on the KSDE website, www.ksde.org/Default.aspx?tabid=524.

Mail this request to the Emergency Safety Intervention Administrative Review Request, Kansas State Department of Education, Office of General Counsel, 900 SW Jackson Street, Room 102, Topeka, Kansas 66612

The Kansas State Board of Education will designate a Hearing Officer to conduct a review of the local board's final decision.

The Hearing Officer may initiate a separate investigation that may include:

- A discussion with the parent;
- Contacting the local board or other staff involved; and
- An on-site investigation.

If the Hearing Officer finds new information, they may send the issue back to the local board. If you are not satisfied with the local board's amended decision the right to request administrative review begins again.

Investigation results will be provided to the parents, school administrator, district superintendent, local board, and state board within 60 days of the commissioner's receipt of the request for administrative review.

A request for an administrative review may include, but is not limited to, the following allegations:

- An emergency safety intervention was used with your child when your child did not present a reasonable and immediate danger of physical harm to themselves or others with the present ability to effect such physical harm.
- The district used a form of banned restraint including prone, supine, physical restraint that obstructs the airway of your child, physical restraint that impacts your child's primary mode of communication, chemical or mechanical restraint that does not meet an exception.
- Less restrictive alternatives to emergency safety intervention were not deemed inappropriate or ineffective before emergency safety intervention was used.
- The use of emergency safety intervention with your child did not stop as soon as the immediate danger of physical harm stopped.
- emergency safety intervention was used with your child for discipline, punishment, or convenience.
- Emergency safety intervention was used with your child and you have provided school staff with documentation from your child's licensed health care provider that seclusion could put your child in mental or physical danger.
- Seclusion was used with your child and school staff could not see and hear your child at all times.
- Your child was put in a seclusion room with a locking door that does not automatically disengage when school staff walk away or in an emergency.
- Your child was put in a seclusion room that was unsafe, not well-ventilated, or not sufficiently lighted.

- The Hearing Officer will consider the local board's final decision and may initiate an investigation that could include:
    - A discussion with the parent, during which additional information may be gathered;
    - Contact with the local board or other district staff to allow the local board to respond to the request with information supporting its final decision; and
    - An on-site investigation by Kansas State Department of Education staff.

- If new information is discovered that was not made available to both the parent and the local board during the dispute resolution process, the Hearing Officer may send the issue back to the local board.
    - If sent back to the local board, the Hearing Officer's case will be closed and the local board has 30 days to issue a written amended final decision.
    - If the parent feels the local board's amended final decision does not adequately address the issue, the parent may file a new request for administrative review with the commissioner by following the above process for requesting administrative review. This must be done within 30 days of the local board issuing its amended final decision. If the local board does not issue an amended final decision within 30 days, then the parent has 30 days from the date the Hearing Officer sent the issue back to the local board to file a request for administrative review with the commissioner.

- Within 60 days of receiving the request for administrative review, the Hearing Officer will, in writing, inform the parents, school administrator, district superintendent, local board clerk, and the state board of the results of the review. This time frame may be extended for good cause upon approval of the commissioner.

- The results of the administrative review will contain findings of fact, conclusions of law, and any suggested corrective actions. The Hearing Officer's determination will include one of the following:
    - The local board appropriately resolved the complaint.
    - The local board should re-evaluate the complaint with suggested findings of fact.
    - The Hearing Officer's suggested corrective active is necessary to ensure that local board policies meet legal requirements.

State and Community Resources

General Emergency Safety Intervention Information:
www.ksdetasn.org
www.ksde.org/Default.aspx?tabid=524

Emergency Safety Intervention Questions:
Laura Jurgensen
Kansas State Department of Education
ljurgensen@ksde.org
785-296-5522

Parent Training and Information Center:
Families Together
http://familiestogetherinc.org/
888-815-6364

Protection and Advocacy System:
Disability Rights Center of Kansas
http://www.drckansas.org/
877-776-1541 or 785-273-9661