

GAAF Emergency Safety Interventions (See JRB, JQ, JQA, and KN) GAAF

The board of education is committed to limiting the use of Emergency Safety Interventions (“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 (See K.A.R. 91-42-1)

“Campus police officer” means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-8222, and amendments there to.

“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 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.

“Seclusion” means placement of a student in a location where all of the following conditions are met: : (1) the student is placed in an enclosed area by school personnel; (2) the student is purposefully isolated from adults and peers; and (3) the student is prevented from leaving, or reasonably believes that the he or she will be prevented from leaving, the enclosed area.

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

“Mechanical Restraint” means any device or object used to limit a student’s movement.

“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 no be deemed to be physical restraint.

Parent means: (1) a natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-1046(d)(2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor. (10-5-15) —

“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.

“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.

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

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; by a licensed healthcare professional for treatment of a medical or psychiatric condition; 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; licensed healthcare professional;
 - Any device used by a certified law enforcement officers to carry out law enforcement duties; or
 - Seatbelts and other safety equipment when used to secure students during transportation.
 - Use of Emergency Safety Intervention:
 - 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 effect such 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.
- **Seclusion** ESI Restrictions: A student shall not be subjected to **seclusion** 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 **seclusion**. 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 has been provided to the school and placed in the student's file.
- When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.
- All seclusion rooms equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in case of emergency, such as fire or severe weather.

A seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Such room shall be free of any condition that could be a danger to the student and shall be 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 the use of emergency safety interventions. 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 classified 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 documentation regarding the training that was provided and a list of participants.

Notification and Documentation

The principal or designee shall notify the parent, or if a parent cannot be notified then shall notify an emergency contact person for such student, the same day the ESI was used, Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day on which the ESI was used. The parent shall be provided the following

information after the first and each subsequent incident in which an ESI is used during each school year; (1) a copy of this policy which indicated when ESI can be used; (2) a flyer on the parent's rights (3) information on the parent's right to file a complaint through the local dispute resolution process (which is set forth in this policy) and, once it has been developed, the complaint process of the state board of education; and (4) 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 involving the use of emergency safety intervention, the foregoing information shall be provided in printed form and upon the occurrence of a second or subsequent incident shall be provided through a full website address containing such information.

In provide written notification to the student's parents any time that ESI is used with a student. Such notification must be provided within two (2) school days.

In addition, each building shall maintain documentation any time ESI is used with a student. Such documentation must include all of the following:

- Date and time of the intervention,
- Type of intervention,
- Length of time the intervention was used, and
- School personnel who participated in or supervised the intervention.

All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent 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. (10-5-15)

Reporting Data

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

Three (3) Incidents of ESI for Same Student.

If a student with an IEP or a Section 504 plan has three incidents of ESI in a school year, then such student's IEF team or Section 504 team shall meet within ten(10) days following the third incident to 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, unless the IEP team or Section 504 team has agreed on a different process.

If a student without an IEP or Section 504 plan has three incidents of ESI in a school year, then the school staff and the parent shall meet within ten (10) days following the third incident to 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 after a third ESI incident shall be invited to attend the meeting. 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 behavior intervention plan for any student who has not had three ESI incidents in a school year. (10-5-15)

Local Dispute Resolution Process

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. 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 ESI. (10-5-15)

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 and recommended action 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 a report containing written findings of fact and, if necessary, appropriate action. A copy of the written findings of fact and any corrective action adopted by the board shall be only provided to the parents, the school, and the state department board of education. Once such a procedure has been developed, a parent may file a complaint under the state board of education complaint process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process. (10-5-15)

Approved: July 15, 2013; March 10, 2014; October 5, 2015

ESI FORM

EMERGENCY SAFETY INTERVENTION DOCUMENTATION

Date: _____

Dear: _____

The purpose of this letter is to inform you that on _____, at _____
(a.m./p.m.)

(time) _____ (date) _____
the need for the use of an Emergency Safety Intervention was required for
_____.

(name of student)

K.A.R. 91-42-1(c) defines Emergency Safety Interventions (ESI) as “the use of seclusion or physical restraint when a student presents an immediate danger to self or others. Violent action that is destructive of property may necessitate the use of an ESI.” Whenever an ESI is used, the parent(s)/guardian(s) must be informed within (2) school days.

Type of Emergency Safety Intervention Used:

Seclusion _____

Restraint _____

Duration of Seclusion/Restraint: _____ (minutes)

Location: _____

Name of Staff Member: _____

Witnesses: _____

Description of Incident:

Please contact the building principal if you have any questions regarding this use of ESI.

(Signature of person completing report)

(Date) _____

*Parent(s)/guardian(s) notified of this incident on _____ by _____.

(Date) _____

(Name of

staff member) _____

ESI Acknowledgement Form

Kansas regulations now require that we provide all parents with notice of our written policies regarding Emergency Safety Interventions (“ESI”). Our district policy is available on our website at www.usd395.org and in our **Enrollment handouts &/or student handbooks, which are on the District Website listed above.** In addition, we will provide a copy of the policy at any time upon request.

Please select one of the following options:

I have been informed of the district’s policy, and I do not want a copy of the policy.

I have been informed of the district’s policy, and I do want a copy of the policy. By my signature below, I acknowledge that I have received a copy of the policy.

Date

SIGNATURE

PARENT