

## **P5116 EMERGENCY SAFETY INTERVENTIONS**

### **BOARD POLICY:**

**The use of seclusion or physical restraint when any student presents an immediate danger to self or others or, in certain instances, is engaged in the violent destruction of property (“emergency safety interventions” or “ESI”) must be performed in accordance with K.A.R. 91-42-1 and 91-42-2. Every effort will be made to prevent the need for the use of restraint or seclusion, which should only be employed where less invasive alternatives are infeasible. Restraint or seclusion is never to be used as punishment or discipline, as a means of coercion or retaliation, or as a convenience. This policy will be posted on the district’s website and will be included within the school code of conduct.**

Administrative Implemental Procedures:

#### **1. Definitions:**

- a. **Chemical Restraint:** Use of medication to control a student’s violent physical behavior or restrict a student’s freedom of movement. Use of a chemical restraint is prohibited, except that this term does not include or prevent prescribed treatments for a student’s medical or psychiatric condition by a person appropriately licensed to issue these treatments.
- b. **Emergency Safety Interventions:** 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. An ESI must be discontinued as soon as the danger has passed.
- c. **“Physical escort”** means the temporary touching or holding of 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.
- d. **Physical Restraint:** Bodily force used to substantially limit a student’s movement. The term “physical restraint” does not include a “physical escort”.
- e. **Mechanical Restraint:** Any device or object used to limit a student’s movement. Use of mechanical restraints is prohibited, except that this term does not include or prevent use of those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law; any device used by a law enforcement officer or school security officer in carrying out law enforcement or school security duties; or seatbelts and any other safety equipment when used to secure students during transportation.
- f. **“School”** means any learning environment conducted by the district for district students.
- g. **Seclusion:** When used with a student, means that 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 adults and peers.
  - 3) The student is prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.

It does not include a time out, which is a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.

## 2. **Procedures for use of Emergency Safety Interventions:**

The use of Emergency Safety Interventions will be governed by the following:

- a. Seclusion and physical restraint will be used only when student conduct meets the definition of necessitating an emergency safety intervention.
- b. The following is prohibited:
  - 1) The use of prone, or face-down, physical restraint; supine, or face-up physical restraint; physical restraint that obstructs the airway of a student; or any physical restraint that impacts a student's primary mode of communication;
  - 2) The use of chemical restraint, except as prescribed treatment for a student's medical or psychiatric condition by a person appropriately licensed to issue the treatment;
  - 3) The use of mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, and seatbelts and any other safety equipment when used to secure students during transportation.

## 3. **Training:**

- a. Annual training will be provided to all district personnel in the use of ESI. Training will address that prevention techniques, de-escalation techniques, positive behavioral interventions and positive behavioral supports are preferred strategies which should be applied, if feasible, prior to use of an ESI.
- b. The level of training needed for each person must meet that person's needs as appropriate to their roles, duties and potential need for emergency safety interventions.
- c. District and/or building administrators will determine which staff requires the training in the most restrictive behavioral intervention techniques, i.e. restraint.
- d. All levels of training will be consistent with nationally recognized programs and participation will be documented.
- e. Written or electronic documentation will be maintained on the training that is provided and the participants who are trained.

## 4. **Reporting:**

- a. Schools are responsible for documenting and maintaining documentation for each use of an ESI which must include:
  - date and time of the intervention
  - type of intervention used (seclusion or restraint)
  - length of time (in minutes) the intervention was used
  - and the school personnel who participated in or supervised the intervention.

Documentation should also include a description of the behavior precipitating the incident and which prevention strategies were considered. The form attached to the Kansas State Department of Education ("KSDE") publication "Emergency Safety Interventions Regulations Guidance Document" may be utilized in documenting each incident.

- b. Every effort will be made to notify parents the same day an emergency safety intervention is used with their student. However, written notification to parents must be provided within two school days.

- c. Documentation maintained by a school on the use of ESI must be compiled and submitted, at least quarterly, to Student Support Services.
- d. The Division of Student Support Services will provide quarterly reports of all incidents of emergency safety intervention to the KSDE by the dates and in the form required by KSDE. In addition, documentation of the district's use of ESI will be provided to KSDE upon written request of KSDE.
- e. At least annually, the principal of each school shall review ESI documentation to determine the appropriateness of the use of ESI. At least annually, Student Support Services will review ESI documentation regarding the proper administration of ESI in the district and its impact upon the content of training for district employees.

**5. Dispute Resolution:**

- a. The Board of Education designates the Chief Human Resources Officer as the complaint investigator to conduct investigations of written parental complaints.
- b. Informal resolution of parental complaints is encouraged. A parent may contact the student's building administrator to report an alleged incident and seek a mutually satisfactory resolution of the complaint. If resolved, the building administrator will complete a written report which will be provided to the parents, the superintendent and Student Support Services, who will include such report in the next scheduled documentation to KSDE.
- c. Whether or not parents seek informal resolution, parents may submit written complaints to the Chief Human Resources Officer who will complete an investigation and provide to the parent, school, superintendent, Student Support Services and KSDE written findings of fact and, if necessary, corrective action, within 30 days of the filing of a complaint by a parent. The drafting and handling of the investigator's report will conform to the requirements of the Family Educational Rights & Privacy Act (FERPA) and will, to the extent possible, preserve confidentiality of personnel matters. The Chief Human Resources Officer's decision will be a final decision.
- d. Information informing parents that they have a right to file a written complaint that includes contact information for the Chief Human Resources Officer will be posted on the district's website and in the school code of conduct.

KSDE publication "Emergency Safety Interventions Regulations Guidance Document" should be consulted for reference if questions arise concerning application of this policy. Visit <http://ksdetasn.org> for the publication.

Administrative Responsibility: Student Support Services  
New Policy: September 2013