

## **P5116 EMERGENCY SAFETY INTERVENTIONS**

### **BOARD POLICY:**

**Seclusion or physical restraint (Emergency Safety Interventions (ESI)) of any student may be employed only when the student presents a reasonable and immediate danger of physical harm to self or others or engages in violent action that is destructive of property. ESI should be used only after less restrictive or invasive alternatives have been considered and deemed infeasible. Certain modes of restraint are prohibited and any restraint utilized must be consistent with this policy. Restraint or seclusion will not be used as punishment or discipline, as a means of coercion or retaliation, or as a convenience for a school employee.**

Administrative Implemental Procedures:

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

- a. “Chemical Restraint” means the use of medication to control a student’s violent physical behavior or restrict a student’s freedom of movement.
- b. “Emergency Safety Interventions” means the use of seclusion or physical restraint.
- c. “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.
- d. “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.
- e. “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.
- f. “Mechanical Restraint” means any device or object used to limit a student’s movement.
- g. “School” means any learning environment, including any non-profit institutional day or residential school or accredited nonpublic school, that receives public funding or which is subject to the regulatory authority of the state board of education.
- h. “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 adults and peers.
  - 3) The student is prevented from leaving, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

Seclusion does not include a time-out. “Time-out” means a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.

#### **2. Use of Emergency Safety Interventions:**

Emergency Safety Interventions 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 or engages in violent action that is destructive of property. Less restrictive alternatives to ESI, such as proactive prevention techniques, de-escalation techniques, positive behavior interventions and supports, 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. 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.

a. Prohibited Types of Restraint:

- 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 treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments;
- 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.

b. Seclusion Restrictions:

- 1) A student shall not be subjected to seclusion if the student is known to have a medical condition that could put the student in mental or physical danger as a result of 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.
- 2) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.
- 3) 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.
- 4) 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.

3. Training:

- a. Annual training will be provided to all district personnel in the use of ESI. Training will emphasize 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 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 provided and the persons participating.

4. Documentation and Notification:
  - a. All schools are responsible for maintaining documentation for each use of an ESI, which must include:
    - 1) date and time of the intervention;
    - 2) type of intervention used (seclusion or restraint);
    - 3) length of time (in minutes) the intervention was used;
    - 4) a description of the behavior precipitating the ESI and alternative behavioral interventions considered; and
    - 5) the school personnel who participated in or supervised the intervention.
  - b. Parents shall be notified the same day an emergency safety intervention is used with their student, or if a parent cannot be notified, the school shall notify an emergency contact person the same day an emergency safety intervention is used. Documentation of the ESI used shall be completed and provided to the parent no later than the school day following the day on which the ESI was used. The parent shall be provided the following information in printed form on the first and each subsequent incident in which an ESI is used during each school year:
    - 1) a copy of this policy which indicates when an 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 district's dispute resolution process;
    - 4) the complaint process of the state board of education (this process will be included once it is developed);
    - 5) information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas; and
    - 6) a full website address containing this information.
  - 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 Kansas State Department of Education (KSDE), by the dates and in the format 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. Consideration for a Functional Behavior Assessment (FBA) or Behavior Intervention Plan (BIP) after Three Incidents of ESI:
  - a. If a student with an IEP or a Section 504 plan has three incidents of ESI in a school year, then such student's IEP 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 FBA, develop a BIP or amend the BIP if already in existence, unless the IEP team or Section 504 team has agreed on a different process.
  - b. If a student without an IEP or Section 504 plan has three (3) 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 FBA, or the need for a BIP. 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.
- c. 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 FBA or a BIP for any student who has not had three ESI incidents in a school year.
6. 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. A parent may file a complaint under the state board of education complaint process within 30-days from the date a final decision is issued by the Chief Human Resources Officer.
  - e. Information informing parents of their right to file a written complaint that includes contact information for the Chief Human Resources Officer and state board of education will be posted on the district's website and in the Student Code of Conduct.
7. This policy will be posted on the district's website with links to the policy available on individual school pages and will be included within the Student Code of Conduct.

Administrative Responsibility: Student Support Services

New Policy: September 2013

Latest Revision: September 2015