



Home of the Pioneers

LEAVENWORTH

UNIFIED SCHOOL DISTRICT 453



EMERGENCY SAFETY INTERVENTION (ESI) PARENT INFORMATION

Leavenworth USD 453 | www.usd453.org
Dr. Cathy Redelberger | (913) 684-1507

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 is the use of seclusion or physical restraint. Details of the incident regarding your child are included in the form attached to this letter.

If this is the first time an emergency safety intervention has been used on your child this school year, also attached are printed copies of the standards for when emergency safety intervention may be used, a flyer on your rights under emergency safety intervention 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 this is a subsequent incident this school year, then the information is not attached, and you are encouraged to access the information at the website link for local emergency safety intervention resources below.

Please use the form on the following page to provide feedback or comments to the school regarding the incident. You may submit the form to me at any time by delivering it to the school or emailing it to me. We invite and strongly encourage you to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions. Please use my email or phone number listed below to schedule an emergency safety intervention meeting.

Local ESI Resources:

State ESI Resources: www.ksdetasn.org

Sincerely,



ESI REPORT



Date of Incident:

Time of incident:

Duration of incident:

Type of ESI Used:

Seclusion

Physical Restraint

School Personnel Who Participated in or Supervised the Incident:

Events leading up to incident:

Student behaviors necessitating use of ESI:

Steps taken to transition student back into the educational setting:

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STANDARDS FOR THE USE OF EMERGENCY SAFETY INTERVENTIONS



The emergency safety interventions (ESI) law set forth standards for the use of restraint and seclusion to ensure that all Kansas students and staff have a safe learning environment. The standards found in the ESI statutes and regulations are required to be followed in all Kansas public school districts and accredited private schools.

An **ESI** is the use of seclusion or physical restraint. The use of ESIs shall **cease as soon as the immediate danger of physical harm and violent action ceases to exist.**

Before using an ESI, a school employee witnessing the student's behavior must have determined that **less restrictive alternatives** to ESI, such as positive behavior interventions support, were inappropriate or ineffective under the circumstances.

ESIs 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.** Violent action that is destructive of property may necessitate the use of an ESI. ESIs may not be used for purposes of discipline, punishment, or for the convenience of a school employee.

Physical restraint means bodily force used to substantially limit a student's movement. Physical restraint is **NOT**:

- Consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction;
- physical escort;
- prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments;
- protective or stabilizing devices either ordered by an appropriately licensed professional 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.

Prohibited types of restraints:

- **Prone**, or face-down, physical restraint;
- **supine**, or face-up, physical restraint;
- any physical restraint that **obstructs the airway** of a student;
- any physical restraint that **impacts a student's primary mode of communication**;
- **chemical** restraint ("chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement); and
- **mechanical** restraint ("mechanical restraint" means any device or object used to limit a student's movement).

Seclusion means placement of a student in a location where:

STANDARDS FOR THE USE OF EMERGENCY SAFETY INTERVENTIONS



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

A student may not be secluded 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 medical condition must be in a written statement from the student's licensed health care provider, and a copy of given 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.

If a seclusion room has a locking door it must be designed to ensure that the lock automatically disengages when the school employee viewing 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**. The room must have good ventilation and lighting, and be free of any condition that could be a danger to the student. The room must also be similar to other rooms where students frequent.

Seclusion is **not time-out**, which is a behavioral intervention in which a student is temporarily removed from a learning activity without being confined

PARENTS' RIGHTS



**A Family Guide
to the Use of
Emergency Safety
Interventions
(Seclusion and
Restraint) in
Kansas**



PARENTS' RIGHTS



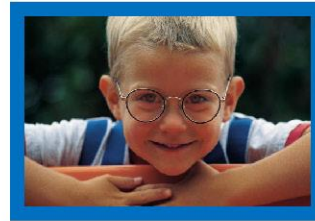
What are Emergency Safety Interventions?

Emergency Safety Interventions (ESI) are seclusion and restraint that are used when the student presents a reasonable and immediate danger 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. **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.

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.

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.

PARENTS' RIGHTS



When May Emergency Safety Intervention be Used?

- May only be used when a student presents a reasonable and immediate danger of physical harm to such student 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 is used for purposes of discipline, punishment, or for the convenience of a school employee.
- A student may 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 this medical condition must be indicated in a written statement from the student's licensed health care provider that is provided to the school and is placed in the student's file. Note that this exception does not apply to restraint.
- Violent destruction of property may also prompt the use of ESI.



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.

PARENTS' RIGHTS



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 parent cannot be notified, then the school must notify an emergency contact person for the student.
- Documentation of the ESI used must be completed and provided to the parent by the school day following the day on which the ESI was used.
- The parent must be provided with the following information in writing after the first ESI incident in a school year and provided with this information after subsequent ESI incidents through a web address that contains this information:
 - 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.



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.

PARENTS' RIGHTS



Requirements if there is a Third ESI Incident with a Student within a School Year

If there is a third ESI incident within a school year on a student with an IEP or a Section 504 plan, then the student's IEP or Section 504 team must meet within 10 days after the incident to discuss the incident and consider the need to conduct a functional behavioral analysis (FBA), develop a behavior intervention plan (BIP), or amend the student's BIP if the student already has one. These requirements must be followed unless the student's IEP or Section 504 team agrees on a different process.



If there is a third ESI incident within a school year on a student without an IEP or a Section 504 plan, then the student's parent and school employees must meet within 10 days after the incident to discuss the incident and consider the appropriateness of a referral for a special education evaluation or the need for a FBA or BIP. The school employees involved in this meeting must include a school administrator for the school where 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 to attend the meeting.

The student must be invited to any of the meetings referred to previously in this section.

The meetings referred to in this section may be extended beyond the 10-day requirement if the parent of the student is unable to attend within that time period.



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.

PARENTS' RIGHTS



Where can I find out more information about Emergency Safety Interventions (Seclusion and Restraint)?



Families Together, Inc.

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

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

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



LOCAL DISPUTE RESOLUTION PROCESS



BOARD POLICY GAAP

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

“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 thereto.

“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.

“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: (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.

LOCAL DISPUTE RESOLUTION PROCESS



“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.

“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 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.

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 must be indicated in a written statement from the

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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. Notwithstanding 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 be able to see and hear the student at all times. All seclusion room 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 an 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, well-ventilated and sufficiently lighted.

Training

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

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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: (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 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 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. Such documentation must include all of the following:

LOCAL DISPUTE RESOLUTION PROCESS



- 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

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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, or 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

LOCAL DISPUTE RESOLUTION PROCESS

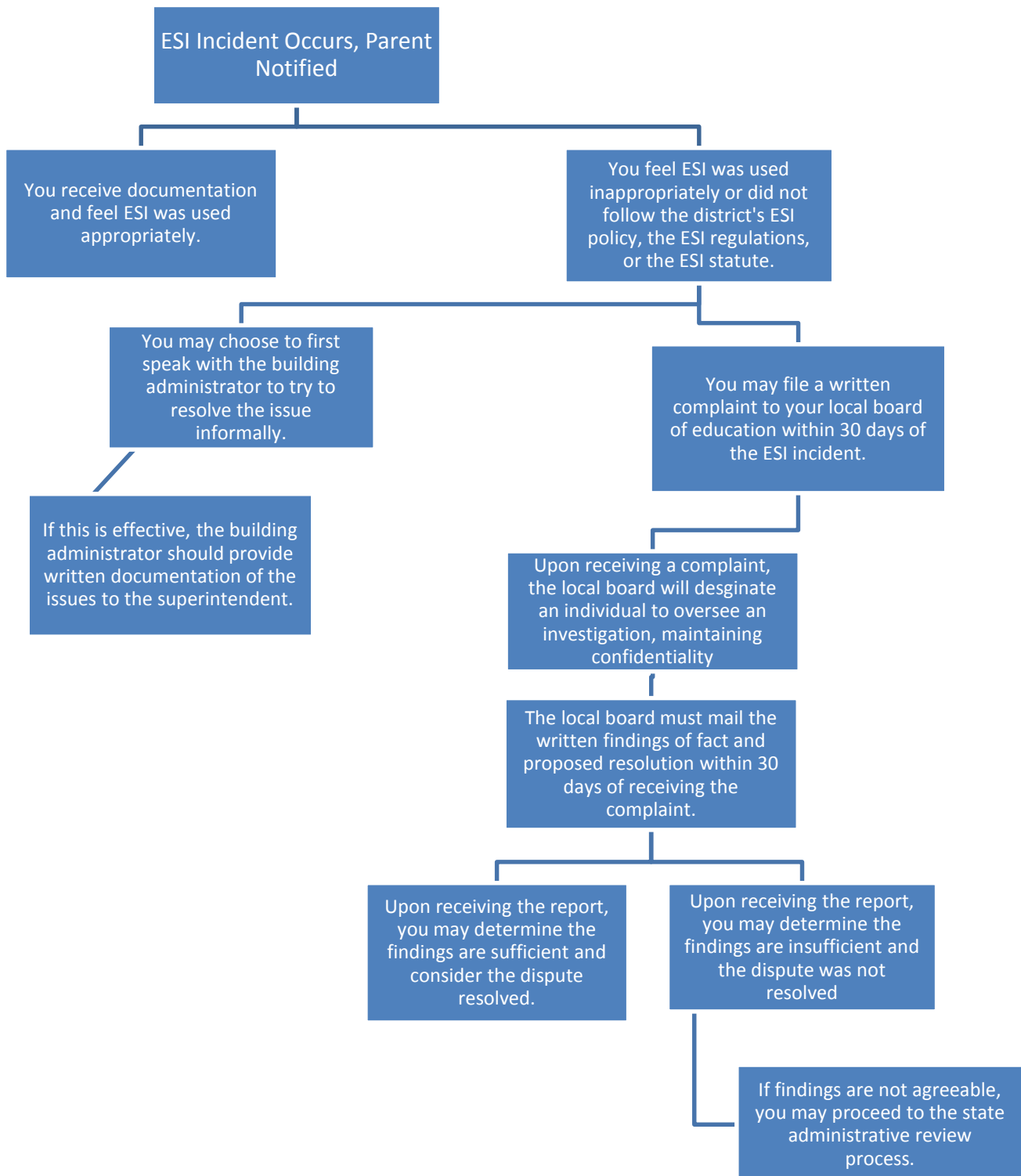


necessary, appropriate corrective action. A copy of the written findings of fact and any corrective action adopted by the board shall only be provided to the parents, the school, and the state department of education and shall be mailed to the parents and the state department within 30 days of the board's 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: 8/21/13; 7/16/14; 9/17/14; 8/19/15; 7/13/16

LOCAL DISPUTE RESOLUTION GUIDE FOR PARENTS



STATE BOARD ADMINISTRATIVE REVIEW PROCESS



Refer to K.S.A. 2015 Supp. 72-89d04(b) and 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 (KSBE).

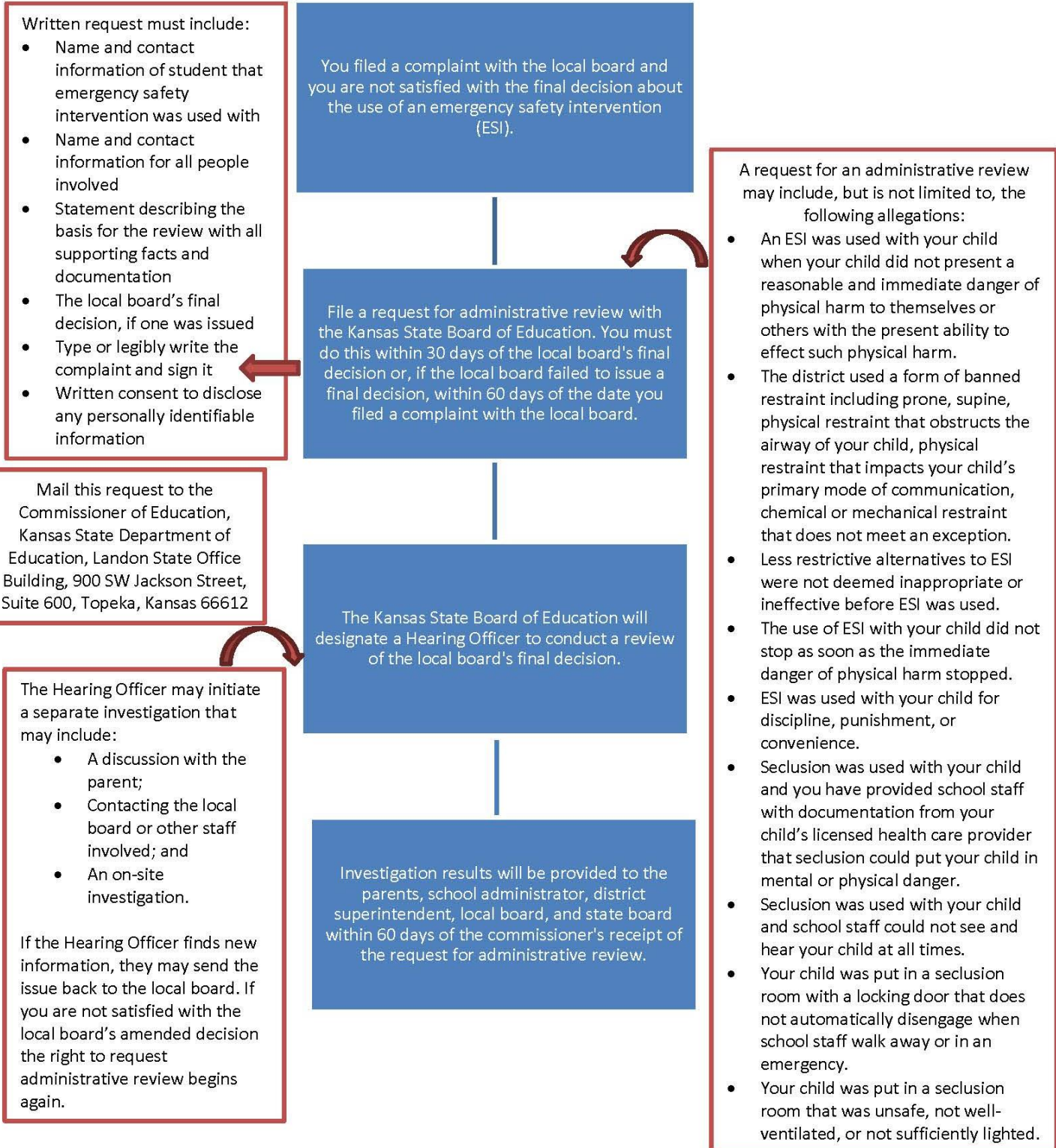
- If a parent believes an emergency safety intervention was used in violation of K.S.A. 2015 Supp. 72-89d01 through -89d09 or K.A.R. 91-42-1 through -7 and the parent filed a written complaint with their local board of education, then this parent may request an administrative review of the local board's decision from KSBE.
 - 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, Suite 600, Topeka, Kansas 66612.
 - A Hearing Officer will be designated by KSBE. The Hearing Officer must send a copy of the request for administrative review to the local board.
 - 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 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.

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- 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 Review 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 BOARD ADMINISTRATIVE REVIEW GUIDE FOR PARENTS



ESI FACT SHEET

*Key Requirements from the ESI Statute
and ESI Regulations*



Physical Restraint:

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. The term physical restraint does not include a physical escort. 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.

The use of prone (face-down) physical restraint, supine (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 is **prohibited**.

Seclusion:

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; and
- (3) the student is prevented from leaving, or the student 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. A student cannot be secluded if staff knows that a student has a medical condition that could put the student in mental or physical danger. When a student is placed in seclusion, a staff member must be able to see and hear the student at all times. All seclusion rooms that have a locking door must be designed to ensure that the lock automatically disengages when the staff member watching the student walks away or in cases of emergency such as fire or severe weather. If a school uses a seclusion room it must be a safe place, free of any dangerous conditions, well-ventilated, and sufficiently lighted.

When ESI May be Used

- ESI shall only be used when the student presents a reasonable and immediate danger of physical harm to self or others with the present ability to effect such physical harm
- Less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances prior to ESI being used
- The use of ESI must stop immediately when the danger of physical harm ends
- Violent action that is destructive of property may necessitate the use of ESI
ESI must not be used for discipline, punishment, or the convenience of a school employee

Parent Notification and Required Meetings

- Parents must be notified the same day that an ESI incident occurs
- Parents must be provided information about ESI, their rights, and the dispute resolution process the day following an ESI incident
- After the third ESI incident with a student in a school year, there must be a meeting within 10 days to discuss the incident and support for the student

CONTACT INFORMATION



Local

District Administrator Contact for ESI Questions

Cathy L. Redelberger, Ed.D, 913-684-1507, cathy.redelberger@lvpioneers.org

School Administrator Contact for ESI Questions

Anthony Elementary - 913-684-1500

David Brewer Elementary - 913-684-1490

Earl Lawson Elementary - 913-684-1570

Henry Leavenworth Elementary - 913-684-1470

Richard Warren Middle School - 913-684-1530

Leavenworth High School - 913-684-1550

District ESI policy document available on the district's website at www.usd453.org

State

General ESI Information:

<http://ksdetasn.org/>

ESI Questions:

Laura Jurgensen

Kansas State Department of Education

ljurgensen@ksde.org

785-296-5522

Parent Training and Information Center:

Families Together

<http://famielsttogetherinc.org/>

888-815-6364

Protection and Advocacy System:

Disability Rights Center of Kansas

<http://www.drckansas.org/>

877-776-1541 or 785-273-9661