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. "Administrative review" means review by the state board upon request of a parent.
b. "Chemical Restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.
c. "Complaint" means a written document that a parent files with the board of education.
d. "District" means a school district organized under the laws of this state that is maintaining a public school for a school term pursuant to K.S.A. 72-3115, and amendments thereto. This term shall include the governing body of any accredited nonpublic school.
e. "Emergency Safety Interventions" means the use of seclusion or physical restraint.
f. "Incident" means each occurrence of the use of an emergency safety intervention.
g. "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-3122, 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.
h. "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. Physical escort is not an ESI.
i. "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.
j. "Mechanical Restraint" means any device or object used to limit a student's movement and includes, but is not limited to, the use of handcuffs.
k. "Police officer means 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 laws of this state or of any Kansas municipality.
l. "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.
m. "School resource officer" means a 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.

n. "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 police officer.

o. "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) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.
   2) 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.
   3) 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.

c. Emergency Safety Intervention Restrictions:

1) A student shall not be subjected to an 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 the ESI. 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. Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why an ESI would put the student in mental or physical danger and any suggested alternatives to the use of ESI. However, a student may still be subjected to an ESI if not subjecting the student to an ESI would result in significant physical harm to the student or others.
2) School resource officers and police officers are exempt from the requirements of the ESI regulations. School security officers are not exempt and so may not use prohibited restraints, including handcuffs.

3. Training:

a. All district personnel will annually review and acknowledge BOE P5116 Emergency Safety Interventions.
b. Annual training consistent with nationally recognized programs will be provided to school personnel. 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. Training will meet the needs of personnel as appropriate to their roles, duties and potential need for emergency safety interventions.
c. District and/or building administrators will determine which personnel require~~s~~ training in the most restrictive behavioral intervention techniques, i.e. restraint and seclusion.
d. 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;
    5) the school personnel who participated in or supervised the intervention;
    6) whether the student had an individualized education program (IEP) at the time of the incident; and
    7) whether the student had a section 504 plan at the time of the incident.
b. Documentation maintained by a school on the use of ESI must be compiled and submitted, at least quarterly, to the Division of Student Support Services.

c. The Division of Student Support Services will provide quarterly reports of all incidents of ESI 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.

d. At least annually, the principal of each school shall review ESI documentation to determine the appropriateness of the use of ESI. At least annually, the Division of 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.

e. Parents shall be notified the same day an emergency safety intervention is used with their student by the principal or their designee. If the principal or designee is unable to contact the parent, they will attempt to contact the parent using at least two methods. A parent may designate a preferred method of contact to receive the sameday notification. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day. The principal or designee will document notification and notification attempts in the Student Information System. Written 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. Written documentation will include:
   1) The events leading up to the incident;
   2) student behaviors that necessitated the ESI;
   3) steps taken to transition the student back into the educational setting;
   4) 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;
   5) an option for parents to provide feedback or comments to the school regarding the incident;
   6) a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of ESI; and
   7) email and phone information for the parent to contact the school to schedule the ESI meeting.

   Schools may group incidents together which occur on the same day when documenting items 1), 2), and 3) if the triggering issue necessitating the ESI is the same.

f. Upon the first occurrence of an incident involving the use of ESI in a school year, the parent shall be provided the following information in printed form or, upon the parent's written request, by email. If there is a second or subsequent incident during the same school year, the parent shall be provided with a full and direct website address containing this information.
   1) a copy of this policy and a copy of the standards which indicate~~s~~ 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 district's dispute resolution process;
   4) the complaint process of the state board of education;
   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.

g. If a school is aware that a police officer or school resource officer has used seclusion, physical restraint or mechanical restraint on a student, the principal or their designee will notify the parent the same day using the parent's preferred method of contact. The principal or designee will document notification and notification attempts in the Student Information System. Mechanical restraint includes, but is not limited to, the use of handcuffs. Written documentation of the incident is not required.

5. Meeting Requirements:
   a. 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 within 10 school days of the parent's request. The focus of any meeting convened shall be to discuss proactive ways to prevent the need for ESI and to reduce incidents in the future.
   b. For a student who has an IEP or a Section 504 plan, such student's IEP team or Section 504 team shall discuss the incident and consider the need to conduct a Functional Behavior Assessment (FBA), develop a Behavior Intervention Plan (BIP) or amend either if already in existence.
   c. For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for an evaluation for special education services.
   d. Parents of students with an IEP who are parentally placed in a private school may request an IEP team meeting.
   e. For a student who does not have an IEP or Section 504 plan, the parent and school shall discuss and consider the appropriateness of a referral for an evaluation for special education services, 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 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 for such meeting.
   f. The parent of a student younger than 18 shall determine whether the student shall be invited to any meeting requested by the parent.
   g. The time for calling such a meeting may be extended beyond the 10 school day limit if the parent of the student is unable to attend within that time period.
   h. Nothing in this section shall be construed to prohibit the development and implementation of a FBA or a BIP for any student if such student may benefit from such measures.

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. If a parent believes an ESI has been used in violation of this BOE policy and state regulations, then within 30 days from being informed of the use of ESI, the parent may submit a written complaint to the Chief Human Resources Officer of the Wichita Public Schools.
   c. The Chief Human Resources Officer will complete an investigation and provide proposed findings of fact and, if necessary, corrective action to a Board subcommittee

composed of the Board president and two other Board members selected by the Board. The Board subcommittee shall review the proposed findings and such other relevant material as the members of such subcommittee may request, and may request revisions to, reject, or approved the proposed findings and corrective action in whole or in part. The Board shall then provide to the parent, school, superintendent, Student Support Services and KSDE its approved written findings of fact and, if necessary, corrective action, within 30-days of the filing of a complaint by a parent. The work of the District, the Board, and the Chief Human Resources Officer will at all times ~~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~~ Board'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. 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. Parents may mail this request to the Kansas State Department of Education, Landon State Office Building, 900 SW Jackson Street, Suite 600, Topeka, Kansas 66612.

e. Additional 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 are posted on the district's website.

7. This district has a policy governing the use of ESI which is made available to parents during annual enrollment. It is also posted on the district's website with a link to the policy on individual school sites. The direct website address is included within the Student Code of Conduct and a printed copy of the policy is available from the student's school and district offices upon request.

Administrative Responsibility: Student Support Services
Latest Revision: ~~July 2016~~ June 2022
Previous Revision: ~~September 2015~~ July 2016 P5116

Updated administratively for alignment purposes: March 2018