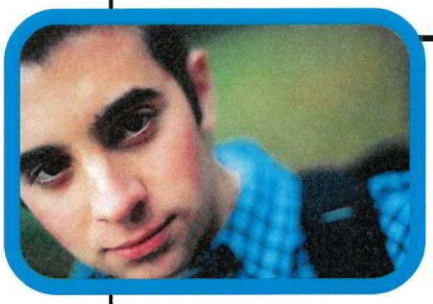
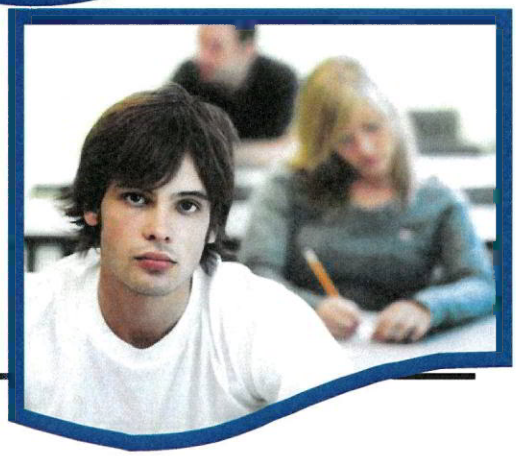




A Family Guide to the Use of Emergency Safety Interventions and Parental Rights: Seclusion and Restraint in Kansas





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 of physical harm to self or others or a student engages in a violent action that is destructive of property.

What is Seclusion?

Seclusion means placement of a student in an area of purposeful isolation, that school personnel are not meaningfully engaging with the student to provide instruction and any one of the following occurs:

1. the student is removed from the learning environment by school personnel; or,
2. the student is separated from all or most peers and adults in the learning environment by school personnel; or,
3. the student is placed within an area of purposeful isolation by school personnel.



Seclusion means placement of a student for any reason other than for in-school suspension or detention or any other appropriate disciplinary measure in a location where both of the following conditions are met:

1. School personnel purposefully isolate the student.
2. The student is prevented from leaving or the student has reason to believe that the student will be prevented from leaving the area of purposeful isolation.

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. 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.



Consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction is not physical restraint.

Mechanical restraint is defined as any device or object used to limit a student'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.

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.

When May Emergency Safety Intervention be Used?

- May only be used when a student presents a reasonable and immediate danger of physical harm to self or others with the present ability to cause physical harm or property damage.
- 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 ESI.
- The use of ESI must stop as soon as the immediate danger of physical harm ends.
- ESI cannot be used for purposes of discipline, punishment, or for the convenience of a school employee.

Students with a known medical condition.



- An emergency safety intervention may not be used with a student 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 emergency safety intervention.
- 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 shall be provided to the school and placed in the student's file.
- The written statement must include an explanation of the student's diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions.

- An emergency safety intervention may still be used if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

Parents should be proactive and provide the district with written documentation from their child's licensed health care provider outlining any medical condition that could put the student in mental or physical danger as a result of the 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. The presence of another person in the area of purposeful isolation or observing the student from outside the area of purposeful isolation does not create an exemption from reporting the incident as seclusion.

If the area of purposeful isolation has a locking door to prevent a student from leaving, the door must be designed to make sure that the lock automatically disengages when the school employee watching the student walks away from the area of purposeful isolation, or in cases of emergency, such as fire or severe weather.

Each area of purposeful isolation must be a safe place with proportional and similar characteristics as those of rooms where students frequent. Each area of purposeful isolation must be free of anything that could be a danger to the student and must be well-ventilated and sufficiently lighted.

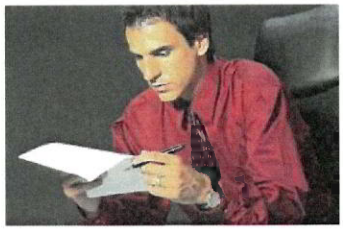


What Can I Do if I Feel that ESI has been Used Inappropriately with My Child?

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.

When Must a Parent be Notified an ESI has been Used?



- The school must notify the parent the same day the ESI was used. The school shall attempt to contact the parent using at least two methods of contact.
- Written documentation of the ESI used must be completed and provided to the parent by the following school day, when ESI was used. Written documentation must include:
  - ◊ The events leading up to the incident;
  - ◊ student behaviors necessitating the ESI;
  - ◊ steps taken to transition the student back into the educational setting;
  - ◊ 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;

- ◊ space or an additional form for parents to provide feedback or comments to the school regarding the incident;
- ◊ a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of ESIs; and,
- ◊ school email and phone contact for the parent to schedule the ESI meeting.

- The parent must be provided with the following information in writing or, upon the parent's written request, by email, after the first ESI incident in a school year and provided with this information after subsequent ESI incidents through a web address:
  - ◊ 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.



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.

Are There Requirements for Meetings Following an Emergency Safety Intervention?

The written documentation of an emergency safety intervention incident must contain:

- a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions; and
- email and phone information for the parent to contact the school to schedule the emergency safety intervention meeting.

After an emergency safety intervention 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. The focus of any meeting convened shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.



If a parent requests a meeting the meeting must be held within 10 days. The time for calling this meeting shall be extended beyond the 10 day limit if the parent is unable to attend within that time period.

Are Students Required to Attend the Meeting?

The parent shall determine whether the student shall be invited to any meeting.

What are the Emergency Safety Intervention Meeting Requirements for Students Parentally Placed in Private Schools?

For students who have an individualized education program (IEP) and are placed in a private school by a parent, a meeting called by the parent must include the parent and the private school, who shall consider whether the parent should request an IEP team meeting. If the parent requests an IEP team meeting, the private school must help facilitate such meeting.



A Focus on Prevention

Why focus on Positive Interventions?

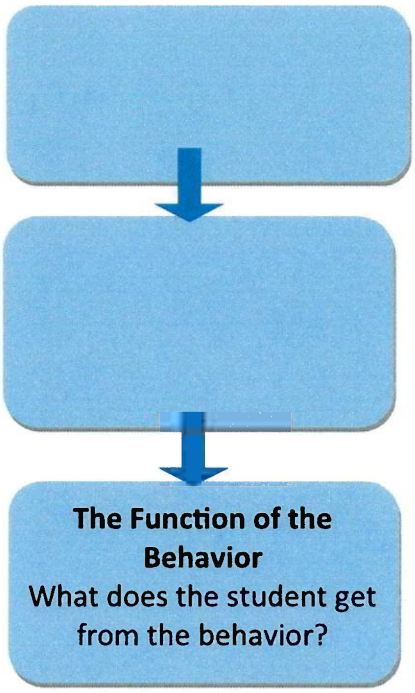
Positive Interventions help build positive relationships and encourage new behaviors. Positive interventions also reinforce new skills and increase self-satisfaction and optimism among students, parents and teachers. All students need to be recognized and rewarded when they are meeting the expectations that have been established. Current research suggests positive recognition (rewards, reinforcements, praise) must occur more frequently than negative recognition. A well-developed behavior intervention plan should include many positive interventions in order to effectively change behavior. The first consideration should be the appropriateness of the interventions. The team should select interventions that are based on the student's developmental level, motor ability, communication mode and other factors relevant to the student and the disability. Environmental and context related factors should also be considered. These might include things such as classroom seating, noise levels, peer issues, instruction that is too hard or too easy, transitions, and changes in the setting.



Functional Behavioral Assessments

All behaviors are functional and are maintained in environments that support them. If your child's behavior impedes the learning of self or others, you can request a functional behavioral assessment (FBA). An FBA can help teams determine the when, where, how, and why problematic behavior occurs. A comprehensive FBA includes interviews, record reviews,

observation and data collection, graphing data collected, testing hypotheses, curriculum analysis, implementation of interventions, and an evaluation of the effectiveness of the plan. FBAs should identify antecedents (what happens just before the behavior occurs), a clearly defined picture of the behavior that is occurring, and the reinforcers (what happens just after the behavior occurs). Teams need to determine what the function of the behavior is so that they may provide successful interventions or teach replacement behaviors that meet the same function for the student.



Behavior Intervention Plans

Behavior Intervention Plans (BIP) should focus on proactive strategies to support students, including positive behavior interventions and supports. BIPs should be positive, instructive, and based on a functional behavioral assessment. A BIP should address:

- the function of the behavior;
- effective teaching of the expected behavior;
- rewards and consequences that are meaningful to the student;
- opportunities to self-manage behaviors; and,
- teach appropriate replacement behaviors.

The Kansas State Department of Education

- does not promote the use of emergency safety intervention with any student;
- recommends a focus on prevention;
- stresses that emergency safety intervention is not part of a tiered intervention system or student behavior plan – it is only to be used in an emergency; and,
- views emergency safety interventions as reactive strategies that do not decrease the likelihood of a behavior from occurring.

Where can I find out more information about Emergency Safety Interventions?

Families Together, Inc.
www.familiestogetherinc.org
1-800-264-6343

Topeka Parent Center
topeka@familiestogetherinc.org

Wichita Parent Center
wichita@familiestogetherinc.org

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.gov
www.ksdetasn.org