ESI Policy Summary

Definitions

Emergency Safety Intervention is the use of *seclusion* or *physical restraint* but does **not** include *physical escort* or the use of *time-out*.

- 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.
- Seclusion – placement of a student in a location where both conditions are met: (1) school personnel purposefully isolate the student; and (2) student is prevented from leaving or reasonably believes that he/she will be prevented from leaving.
- Purposeful Isolation - school personnel are not meaningfully engaging with the student to provide instruction **AND any one of the following occurs**: (1) removal of the student from the learning environment; (2) separation of the student from all of most peers and adults by school personnel; or (3) placement of the student within an area of purposeful isolation by school personnel
- Physical escort – 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.
- Time-out – behavioral intervention in which a student is temporarily removed from a learning activity without being secluded.

Prohibited Types of Restraint

- Face-down (prone) restraint
- Face-up (supine) restraint
- Physical restraint that obstructs the student's airway
- Physical restraint that impacts a student's primary mode of communication
- Chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue such treatments
- Mechanical restraint, except:
    - Protective or stabilizing devices required by law
    - Any device used by a certified law enforcement officer to carry out law enforcement duties
    - Seatbelts or other safety equipment when used to secure students during transportation

Use of Seclusion

When a student is placed in seclusion, a school employee shall see and hear the student at all times. The presence of another person in the area of purposeful isolation does not create an exemption for otherwise reporting the incident as seclusion.

Use of ESI

ESI should be used only when a student presents a reasonable and immediate danger of physical harm to themselves or others. School employees must deem less restrictive alternatives (such as positive behavior interventions support) to be inappropriate or ineffective. 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. **ESI should not be used for the purposes of discipline, punishment, or for the convenience of a school employee.**

ESI Restrictions

If ESI should not be used with a student due to a medical condition, the student's physician can complete the "Documentation of a Known Medical Condition" form. Even if this form is on file, the student may be subjected to ESI "if not subjecting the student to ESI would result in significant physical harm to the student or others".

Notification and Documentation

The principal or designee must notify the parent the same day as an incident. This requirement is considered satisfied if the school attempts at least two different methods of contacting the parent. Parents may designate a preferred method to receive notification. They may also agree in writing to receive only one same-day notification for multiple ESI incidents on the same day. Documentation must be provided no later than the school day following the ESI. The parent shall be provided with the following information after the first and each subsequent ESI: **(1)** ESI policy; **(2)** Flyer on parent's rights; **(3)** Information on the right to file a complaint and **(4)** Information on navigating the complaint process. Upon the first occurrence of ESI, this information shall be provided in printed form or, upon the parent's request, by email. Upon the occurrence of the second or subsequent ESI, the parent shall be provided a full and direct website address containing such information.

Parent Right to Meeting on ESI Use

After each incident a parent may request a meeting (verbally, in writing or through email) with the school to discuss and debrief the incident. If requested, a school shall hold a meeting within 10 school days. The focus of the meeting shall be to discuss proactive ways to prevent the need for ESI and to reduce incidents in the future.

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. 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 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.