

Wamego USD 320 Public Schools

Emergency Safety Interventions (ESI)

The Wamego USD 320 Board of Education has adopted a local board policy on the use of Emergency Safety Interventions (ESI) which is available online at www.usd320.com. The Emergency Safety Interventions (ESI) policies for all students will:

- *Promote safety and prevent harm to students, school personnel, and visitors.*
- *Foster a climate of dignity and respect in the use of discipline and behavior management techniques.*
- *Provide school personnel with clear guidelines about the use of seclusion and restraint in response to emergency situations.*
- *Provide parents/guardians information about state guidelines and district policies related to the use of discipline, behavior management, behavior interventions, and responses to emergency situations.*
- *Promote the use of non-aversive behavioral interventions, including positive behavior support techniques.*

Building principals are responsible for ensuring all school staff are trained annually in positive behavior intervention techniques, de-escalation strategies, ESI regulations and district ESI policy/procedures.

Standards for the use of ESI

Emergency Safety Interventions (ESI) refers to the use of seclusion or physical restraint. District personnel may use seclusion and/or physical restraint only when less restrictive alternatives were determined by the school employee to be inappropriate or ineffective, and when a student's behavior presents an immediate physical danger to self or others. Violent actions that are destructive of property may necessitate the use of ESI. The use of ESI shall stop as soon as the immediate danger or physical harm ceases to exist.

Physical Restraint

Physical restraint may be used when the student's behavior presents an immediate physical danger to self or others or is violently destructive of property, and other interventions, such as positive behavior supports, to prevent dangerous behaviors are inappropriate or ineffective under the circumstances. When physical restraint is used, the following principles apply:

- The use of physical restraint shall stop as soon as the immediate danger of physical harm ceases to exist.*
- School personnel will use the safest method with the least amount of force, for the shortest amount of time possible during ESI.*

•The student's status will be visually monitored continuously throughout the process to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.

The following physical restraint procedures are prohibited:

•Use of restraint for purposes of discipline, punishment, or for the convenience of a school employee is prohibited.

•The use of prone physical restraint, supine physical restraint, physical restraint that obstructs the airway of a student, or any physical restraint that affects a student's primary mode of communication is prohibited.

•The use of chemical restraint, except as prescribed treatments for the student's medical or psychiatric condition by a person appropriately licensed to issued such treatments, is prohibited.

•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 or other safety equipment when used to secure students during transportation is prohibited.

Seclusion

Seclusion may be used when the student's behavior presents an immediate physical danger to self or others or is violently destructive of property, and other interventions, such as positive behavior supports, to prevent dangerous behaviors are inappropriate or ineffective under the circumstances. When seclusion is used, the following principles apply:

•The use of seclusion shall stop as soon as the immediate danger of physical harm ceases to exist.

•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 medical condition must be documented by the student's licensed health care provider, a copy of which has been provided to the school and placed in the student's health file.

•During seclusion a school employee shall be able to see and hear the student at all times. 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.

•A seclusion room shall be a safe place with the 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.

Multiple ESI Incidences

Upon the third ESI for a single student within a school year, a meeting will take place within 10 days that will include the IEP team, 504 team, or a general education team that includes the parents, teacher, staff member involved in the ESI, building administrator and any other district employee deemed appropriate by the school principal. In all cases, the student shall be invited to 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.

During the meeting, the team will discuss the incident(s), consider the need for a functional behavioral assessment, creation or changes to a behavior intervention plan, and if the student should be evaluated for services if the student has not been identified for a 504 plan or special educational services.

Nothing in this section shall prohibit the development and implementation of a functional behavior intervention plan for any student who has not had three ESI incidents in a school year. This process may be modified by the agreement of the IEP or 504 team.

Parent Rights & Notification

- Upon use of an ESI, the school must notify the parent the same day of the incident. If the parent cannot be contacted, the school must notify the emergency contact listed in the student record.
- Written documentation, which includes date and time of the intervention, the type of intervention, and the length of time the intervention was used, and the school personnel who participated in or supervised their intervention, shall be provided to the student's parents no later than the next school day.
- The first written ESI incident report shall be accompanied with a copy of the district ESI, parent's rights, local dispute resolution process, the complaint process of the state board of education (when available), 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. For each subsequent incident, the parent notification form shall include a direct website address that contains all required ESI information.

Complaint Investigation Procedure

- The Board of Education has delegated to the Superintendent or his/her designee the authority to receive parental written complaints regarding the use of ESI.
- Upon receipt of a complaint, the Superintendent or his/her designee will investigate the complaint and develop a written report which will include findings of fact, conclusions relevant to the requirements of this policy or regulations of the KSDE and, if necessary, a corrective actions to remedy an instance of noncompliance. The Superintendent or his/her designee shall

submit the report to the Board of Education in executive session. The Board may approve the report or require additional information before approving the report.

•The written report will be submitted to the parents, the school, the Board of Education, and the the KSDE within 30 calendar days from the date the complaint is received in the Superintendent's office. Once such a procedure has been developed, a parent may file a complaint under the state board of education complain process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process.

Complaint Investigation Request Form ([Link](#))

USD 320 Wamego Public School District www.usd320.com

USD 320 Board Policy Emergency Safety Interventions ([Link](#))

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Kansas Department of Education (KSDE) ESI <http://www.ksde.org/Default.aspx?tabid=571>

- **Technical Assistance Network (TASN)** <http://ksdetasn.org/tasn/emergency-safety-interventions-esi-resources>

Parent Training and Information

- **Families Together-** (888) 815-6364 <http://famiestogetherinc.org/index.php/who-i-am/links-by-topic/topics-starting-with-d-f/emergency-safety-intervention-esi/>
- **Family Guide to the Use of Emergency Safety Interventions** (Seclusion and Restraint) in Kansas <http://famiestogetherinc.org/index.php/who-i-am/links-by-topic/topics-starting-with-d-f/emergency-safety-intervention-esi/>

Protection and Advocacy System

- **Disability Rights Center of Kansas-** (877) 776-1541 or (785) 273-9661
<http://www.drckansas.org/>



Request for Investigation of Emergency Safety Intervention (ESI)

Parent/Guardian _____
Address _____
City, State, Zip _____
Home Phone _____ Work Phone _____
E-Mail Address _____
Student Name _____ Birth Date _____
School Student is Attending _____ Grade _____

Please respond to the following questions. (Attach additional pages if needed)

Date the Emergency Safety Intervention (ESI) occurred: _____

What is your concern about the Emergency Safety Intervention (ESI)?

In your opinion, how should this concern be resolved?

Parent/Guardian Signature *Date*

**Note: Wamego School Board Policy provides that within 30 days upon receipt of a written, signed complaint from a parent that school personnel have not complied with Board Policy regarding ESI use with a student, the Superintendent, acting on behalf of the Board, will complete an investigation of the parent's concern and develop a written report of findings. You may be contacted by the person(s) conducting the investigation to request clarification about your concern. If the findings include an instance of noncompliance with 320 Board Policy, a corrective action will be required. A copy of the report will be sent to you, the school and the Kansas State Board of Education.*

Please mail the completed document to the following address:

Tim Winter, Superintendent
USD 320 Wamego Public Schools
1008 8th St.
Wamego, KS 66547

If you have questions regarding the completion of this form or the investigation process, contact the Superintendent's Office at 785-456-7643

GAAF Emergency Safety Interventions (See GAO, JRB, JQ, and KN)**GAAF**

The board of education is committed to limiting the use of Emergency Safety Interventions (“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.

Definitions (See K.A.R. 91-42-1)

“Emergency Safety Intervention” is the use of seclusion or physical restraint.

“Seclusion” means placement of a student in a location where all of 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 reasonably believes that he or she will be prevented from leaving the enclosed area.

“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.

“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; or (7) a student who has reached the age of majority or is an emancipated minor.

“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.

“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.

“Time-out” means a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.

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 by a licensed healthcare professional for treatment of a medical or psychiatric condition; and
- Use of mechanical restraint, *except*:

- Protective or stabilizing devices required by law or used in accordance with an order from a licensed healthcare professional;
- Any device used by law enforcement officers to carry out law enforcement duties; or
- Seatbelts and other safety equipment 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.

Seclusion Restrictions

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.

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

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.

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.

Training

All staff members shall be trained 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 the use of emergency safety interventions. 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 documentation regarding the training that was provided and a list of participants.

Notification and Documentation

The principal or designee shall notify the parent, or if a parent cannot be notified then shall notify an emergency contact person for such student, the same day the ESI was used. Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day on which the ESI was used. The parent shall be provided the following information after 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 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, once it has been developed, 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 involving the use of emergency safety interventions, the foregoing information shall be provided in printed form and upon the occurrence of a second or subsequent incident shall be provided through a full website address containing such information.

In addition, each building shall maintain documentation any time ESI is used with a student. Such documentation must include all of the following:

- Date and time of the intervention,
- Type of intervention,
- Length of time the intervention was used, and
- School personnel who participated in or supervised the intervention.

All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent 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.

Three (3) Incidents of ESI for Same Student

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 functional behavioral assessment, develop a behavior intervention plan or amend the behavior intervention plan if already in existence, unless the IEP team or Section 504 team has agreed on a different process.

If a student without an IEP or Section 504 plan has three 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 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, 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 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 functional behavior assessment or a behavior intervention plan for any student who has not had three ESI incidents in a school year.

Local Dispute Resolution Process

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. 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 ESI.

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 and recommended action 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 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. Once such a procedure has been developed, a parent may file a complaint under the state board of education complaint process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process.

Approved: 06/13; 12/13; 06/15; 12/15

EMERGENCY SAFETY INTERVENTION DOCUMENTATION

Date: _____

Dear: _____

The purpose of this letter is to inform you that on _____, at _____ (a.m./p.m.)
(date) (time)
the need for the use of an Emergency Safety Intervention was required for
_____.

(name of student)

K.A.R. 91-42-1(c) defines Emergency Safety Interventions (ESI) as “the use of seclusion or physical restraint when a student presents an immediate danger to self or others. Violent action that is destructive of property may necessitate the use of an ESI.” Whenever an ESI is used, the parent(s)/guardian(s) must be informed within (2) school days.

Type of Emergency Safety Intervention Used: Seclusion _____ Restraint _____

Duration of Seclusion/Restraint: _____ (minutes) Location: _____

Name of Staff Member: _____ Witnesses: _____

Description of Incident:

Please contact the building principal if you have any questions regarding this use of ESI.

(Signature of person completing report)

(Date)

*Parent(s)/guardian(s) notified of this incident on _____ by _____.

(Date)

(Name of staff member)

*Original provided to Building Principal

*Copy provided to (Parents/Guardians, Administrative Office)

ESI Acknowledgement Form

Kansas regulations now require that we provide all parents with notice of our written policies regarding Emergency Safety Interventions (“ESI”). Our district policy is available on our website at [insert website address] and in our [insert whichever one of the following is applicable: our school safety plan, our school code of conduct, or the student handbook]. In addition, we will provide a copy of the policy at any time upon request.

Please select one of the following options:

I have been informed of the district’s policy, and I do not want a copy of the policy.

I have been informed of the district’s policy, and I do want a copy of the policy. By my signature below, I acknowledge that I have received a copy of the policy.

DATE

PARENT SIGNATURE