

GAAF Emergency Safety Interventions (See JRB, JQ, JQA, 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. 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 when a student presents an immediate danger to self or others. Violent action that is destructive of property may necessitate the use of an emergency safety intervention.

“Seclusion” requires all three of the following conditions to be 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 the student 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.

“Physical Restraint” means bodily force used to substantially limit a student’s movement.

“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.

Documentation

The principal or designee shall provide written notification to the student's parents any time that ESI is used with a student. Such notification must be provided within two (2) school days.

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 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.

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.

Article 42. - Emergency Safety Interventions

91-42-1. Definitions. As used in this regulation and in K.A.R. 91-42-2, each of the following terms shall have the meaning specified in this regulation: (a) "Chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.

(b) "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. 72-1106, and amendments thereto. This term shall include the governing body of any accredited nonpublic school.

(c) "Emergency safety intervention" means 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 emergency safety intervention.

(d) "Mechanical restraint" means any device or object used to limit a student's movement.

(e) "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.

(f) "Physical restraint" means bodily force used to substantially limit a student's movement.

(g) "School" means any learning environment, including any nonprofit institutional day or residential school and any accredited nonpublic school, that receives public funding or over which the Kansas state department of education has regulatory authority.

(h) "Seclusion", when used with a student, means that all the following conditions are met:

91-42-2. Policy, documentation, and reporting requirements. (a) Each district shall develop and implement written policies to govern the use of emergency safety interventions over all schools. At a minimum, written district policies shall conform to the definitions and requirements of these regulations, including that seclusion and physical restraint shall be used only when student conduct meets the definition of necessitating an emergency safety intervention. Parents shall be annually provided with the written policies on the use of emergency safety interventions. The written policies shall include the following:

(1) Policies and procedures for the use of emergency safety interventions: (A)

Policies and procedures shall prohibit the following:

(i) 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;

(ii) 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; and

(iii) 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; and

(6) local dispute resolution processes. Each district shall develop policies that, at a minimum, shall include the following:

(A) A complaint investigation procedure;

(B) a procedure for parents to present written complaints to the local board of education to initiate complaint investigation by the local board of education; and

(C) a procedure for parents, the school, and the Kansas state department of education to receive written findings of fact and, if necessary, corrective action from the local board of education within 30 days of filing of a complaint by a parent.

(b) Each district shall develop a system to collect and maintain documentation for each use of an emergency safety intervention, which shall include the information described in paragraph (a)(4).

(1) Information maintained by the school shall be compiled and submitted, at least biannually, to the district superintendent or district designee.

(2) Documentation of any school's or district's use of emergency safety intervention shall be provided to the Kansas state department of education upon written request of the Kansas state department of education.

(3) Each district shall report all incidents of emergency safety intervention to the Kansas state department of education by the date and in the form specified by the Kansas state department of education. An annual report shall be provided by the Kansas state department of education to the Kansas state board of education.

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)

Restraint- Reporting Checklist for 2011-2012

Definitions:

- “Mechanical restraint” – any device or object used to limit a person’s movement, except that a protective or stabilizing device either ordered by a person appropriately licensed to issue the order for the device or required by law shall not be considered to be a mechanical restraint. This term does not include any device used by a law enforcement officer, campus police officer, or school security officer in carrying out law enforcement duties.
- “Physical restraint” – bodily force used to substantially limit a person’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.
- “Imminent risk of harm” – an immediate and impending threat of a person causing substantial physical injury to self or others.

Restrictions on the use of restraint:

- Physical restraint should not be used for purposes of discipline, punishment, or staff convenience.
- A student should not be subjected to mechanical restraint.
- Restraint should be used only if a student presents a danger of *imminent risk of harm* to self or others *and* only as a last resort to protect the safety of all involved.

Please check all that apply for each incident of restraint

- Bodily force was used to substantially limit the student’s movement.**
- A device or object was used to limit the student’s movement.**

If **EITHER** box is checked, the incident counts toward the restraint report.

The following information is necessary in order to complete the quarterly restraint report:

- Building and District Number
 - If different than district, special education interlocal or cooperative number
 - Student ID #
 - Length of Restraint (in minutes)
-

Sample Summary Log for Emergency Safety Interventions: Seclusion and Restraint

Student KIDS ID# _____

<i>Date</i>	<i>S=Seclusion, R=Restraint</i>	<i>Precipitating Behavior/Setting</i>	<i>Time Seclusion Or Restraint Began</i>	<i>Time Seclusion Or Restraint Ended</i>	<i>Total Time in Minutes</i>	<i>Staff initials</i>	<i>Comments</i>
		What behavior did the student exhibit resulting in the seclusion or restraint? Where did the incident occur? Who was with the student when the incident occurred?					Injury or Property Damage occurred? Yes___ No___ To Who? To What? Behavior/Actions during or after the seclusion/restraint? Parent Notified within 24 hours? Yes___ No___
		What behavior did the student exhibit resulting in the seclusion or restraint? Where did the incident occur? Who was with the student when the incident occurred?					Injury or Property Damage occurred? Yes___ No___ To Who? To What? Behavior/Actions during or after the seclusion/restraint? Parent Notified within 24 hours? Yes___ No___
		What behavior did the student exhibit resulting in the seclusion or restraint? Where did the incident occur? Who was with the student when the incident occurred?					Injury or Property Damage occurred? Yes___ No___ To Who? To What? Behavior/Actions during or after the seclusion/restraint? Parent Notified within 24 hours? Yes___ No___
		What behavior did the student exhibit resulting in the seclusion or restraint? Where did the incident occur? Who was with the student when the incident occurred?					Injury or Property Damage occurred? Yes___ No___ To Who? To What? Behavior/Actions during or after the seclusion/restraint? Parent Notified within 24 hours? Yes___ No___

Sample Form for ESI Documentation
EMERGENCY SAFETY INTERVENTION DOCUMENTATION

K.A.R. 91-42-1(c) defines an emergency safety intervention (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 emergency safety intervention.”

K.A.R. 91-42-2(a)(3) requires that whenever an ESI is used, the parent(s)/guardian(s) must be informed in writing within two school days. Email meets the definition of notification by writing.

Student’s Name: _____ Student’s Grade Level: _____

Date an ESI Used: _____ Beginning and Ending Times an ESI used: _____

Type of ESI Used: Seclusion _____ Restraint _____

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

Name of Staff Member(s) Who Participated in or Supervised the ESI: _____

Witnesses to Incident: _____

Description of Incident: (Please include a clear explanation of the immediate danger to the student or others, any de-escalation techniques used prior to the ESI, a description of the ESI used, and the outcome of the incident.)

Parent(s)/guardian(s) notified in writing of this incident on _____ by _____
(Date) (Name of staff member)

(Name of person completing report) (Date)

ESI Implementation To Do: Administrative Checklist

- Development of District Policies: Each district must develop, implement, and make accessible written policies to govern the use of ESI in all schools.

District policies must include:

- Prohibition of the use of certain types of restraint
- School personnel training
- Procedure for written parental notification when an ESI is used
- Procedure for documentation of the use of an ESI
- Procedure for data collection and review of all instances of ESI
- Local dispute resolution processes

- Review types of restraint prohibited by the regulations:

- Prone (face-down)
- Supine (face-up)
- Physical restraint that obstructs the airway of a student
- 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 these treatments
- Mechanical restraint, except those protective or stabilizing devices ordered by a person appropriately licensed to issue the order for the device or devices required by law

- Parental Notification: When an ESI is used with a student, the parent must be notified in writing within two school days.

- Parents will annually be provided with the district's written policies on the use of ESI:

- School's website
- School code of conduct, school safety plan, or student handbook

- Documentation of the Use of an ESI: Any time an ESI is used with a student it must be documented.

Documentation must include:

- Date and time of the intervention
- Type of intervention (seclusion or restraint)
- Length of time (in minutes) the intervention was used
- Names of school personnel who participated in or supervised the intervention