

**Emergency Safety Intervention (ESI)**

**Parent Information**

**USD 364 - Marysville**

[**www.usd364.org**](http://www.usd364.org)

**Superintendent – Bill Mullins**

**785-562-5308**

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dear parent or guardian of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

We are writing to inform you that an emergency safety intervention has been used with your child due to behavior that presented a reasonable and immediate danger of physical harm to your child or others. An emergency safety intervention (ESI) is the use of seclusion or physical restraint. Details of the incident regarding your child are included below.

This is the first time an ESI has been used on your child this school year. Accordingly, we are providing you with website links and printed copies of the standards for when ESI may be used, a flyer on your rights under ESI law, information on your right to file a complaint with the local board of education through the local dispute resolution process, information on your right to request administrative review from the Kansas State Board of Education, and information to assist you in navigating these processes. If future incidents occur, we will provide you with the website link so that you may access this information electronically. We recommend keeping this packet of information in case you have future questions or concerns. Once you have had time to review the information, please call us with any remaining questions.

Local ESI Resources: www.usd364.org

State ESI Resources: [www.ksdetasn.org](http://www.ksdetasn.org)

Sincerely,

Darren Schroeder

785-562-5386

Date of Incident: Time of incident:

Duration of incident:

Type of ESI Used (circle): Seclusion Physical Restraint

School Personnel Who Participated in or Supervised the Incident:

Description of incident:

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**Parents’ Rights Flyer**

*[Insert* *a Parents’ Rights Flyer here; this could be one or more of the following:*

* *Document created by Families Together and KSDE titled “A Family Guide to the Use of Emergency Safety Interventions (Seclusion and Restraint) in Kansas” coming soon to* [*www.ksdetasn.org*](http://www.ksdetasn.org)*; or*
* *Document district drafts to meet this requirement]*

**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.

Taken from KASB Policy GAAF**Local Dispute Resolution Guide for Parents**

**State Board Administrative Review Process**

*This process will be available no later than March 1, 2016. Information about this process will be available as soon as the proposed regulation is adopted by the Kansas State Board of Education.*

**State Board Administrative Review Guide for Parents**

*This process will be available no later than March 1, 2016. Information to help parents navigate this process will be available as soon as the proposed regulation is adopted by the Kansas State Board of Education.*

**ESI Fact Sheet**

Key Requirements from the ESI Statute and ESI Regulations

**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. The term physical restraint does not include a physical escort. 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.

The use of prone (face-down) physical restraint, supine (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 is **prohibited**.

**Seclusion:**

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; and

(3) the student is prevented from leaving, or the student reasonably believes that the student will be prevented from leaving, the enclosed area.

It does not include a time-out, which is a behavioral intervention in which a student is temporarily removed from a learning activity without being confined. A student cannot be secluded if staff knows that a student has a medical condition that could put the student in mental or physical danger. When a student is placed in seclusion, a staff member must be able to see and hear the student at all times. All seclusion rooms that have a locking door must be designed to ensure that the lock automatically disengages when the staff member watching the student walks away or in cases of emergency such as fire or severe weather. If a school uses a seclusion room it must be a safe
place, free of any dangerous conditions, well-ventilated, and sufficiently lighted.

**When ESI May be Used**

* ESI shall only be used when the student presents a reasonable and immediate danger of physical harm to self or others with the present ability to effect such physical harm
* Less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances prior to ESI being used
* The use of ESI must stop immediately when the danger of physical harm ends
* Violent action that is destructive of property may necessitate the use of ESI

ESI must not be used for discipline, punishment, or the convenience of a school employee

**Parent Notification and Required Meetings**

* Parents must be notified the same day that an ESI incident occurs
* Parents must be provided information about ESI, their rights, and the dispute resolution process the day following an ESI incident
* After the third ESI incident with a student in a school year, there must be a meeting within 10 days to discuss the incident and support for the student

**Contact Information**

**Local**

**District Administrator Contact for ESI Questions**

Bill Mullins - Superintendent

785-562-5308

bmullins@usd364.org

**School Administrator Contact for ESI Questions**

Darren Schroeder

785-562-5386

dschroeder@usd364.org

[*www.usd364.org*](http://www.usd364.org)

**State**

**General ESI Information:**

<http://ksdetasn.org/>

**ESI Questions:**

Laura Jurgensen

Kansas State Department of Education

ljurgensen@ksde.org

785-296-5522

**Parent Training and Information Center:**

Families Together

<http://familiestogetherinc.org/>

888-815-6364

**Protection and Advocacy System:**

Disability Rights Center of Kansas

<http://www.drckansas.org/>

877-776-1541 or 785-273-9661