

Agency 91

State Department of Education

Article 42.—Emergency Safety Interventions

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91-42-1. Definitions. As used in this article of the department's regulations, each of the following terms shall have the meaning specified in this regulation: (a) "Administrative review" means review by the state board upon request of a parent.

(b) "Area of purposeful isolation" means any separate space, regardless of any other use of that space, other than an open hallway or similarly open environment.

(c) "Chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.

(d) "Commissioner" means commissioner of education.

(e) "Complaint" means a written document that a parent files with a local board as provided for in this article of the department's regulations.

(f) "Department" means the state department of education.

(g) "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. 72-3115, and amendments thereto. This term shall include the governing body of any accredited nonpublic school.

(h) "Emergency safety intervention" means the use of seclusion or physical restraint.

(i) "Hearing officer" means the state board's designee to conduct an administrative review as specified in K.A.R. 91-42-5. The hearing officer shall be an officer or employee of the department.

(j) "Incident" means each occurrence of the use of an emergency safety intervention.

(k) "Local board" means the board of education of a district or the governing body of any accredited nonpublic school.

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

(m) "Parent" means any of the following:

- (1) A natural parent;
- (2) an adoptive parent;
- (3) a person acting as a parent, as defined in K.S.A. 72-3122 and amendments thereto;
- (4) a legal guardian;
- (5) an education advocate for a student with an exceptionality;
- (6) a foster parent, unless the foster parent's child is a student with an exceptionality; or
- (7) a student who has reached the age of majority or is an emancipated minor.

(n) "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.

(o) "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.

(p) "Purposefully isolate," when used regarding a student, means that 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 by school personnel;
- (2) separation of the student from all or most peers and adults in the learning environment by school personnel; or
- (3) placement of the student within an area of purposeful isolation by school personnel.

(q) "School" means any learning environment, including any nonprofit institutional day or residential school or accredited nonpublic school, that receives public funding or is subject to the regulatory authority of the state board.

(r) "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.

(s) "State board" means Kansas state board of education.

(t) "Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective April 19, 2013; amended, T-91-2-17-16, Feb. 17, 2016; amended June 10, 2016; amended July 7, 2017; amended June 9, 2023.)

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