

Emergency Safety Intervention Requirements:

The following is to parents regarding emergency safety intervention (ESI) requirements under the 2016 amendments to the emergency safety intervention statutes and regulations.

Review of Recent Changes:

The KSDE has created a PowerPoint that you may use to familiarize yourself with the changes to emergency safety intervention law and to train your staff on these changes. You can find this PowerPoint on the KSDE Technical Assistance System Network (TASN) website, <http://ksdetasn.org/resources/407>.

Parent Notification after Each Emergency Safety Intervention Incident

1. The parent must be contacted the same day the emergency safety intervention was used. The same-day notification requirement is satisfied if the school attempts at least two methods of contact. A parent may designate a preferred method of contact to receive the same-day notification. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.
2. Information that must be provided to the parent no later than the school day following the day on which the emergency safety intervention was used. Written documentation of the emergency safety intervention incident must include:
 - The events leading up to the incident;
 - student behaviors that necessitated the use of the emergency safety intervention;
 - steps taken to transition the student back into the educational setting;
 - the date and time the incident occurred;
 - the type of emergency safety intervention used and the duration of the incident;
 - the school personnel who used or supervised the emergency safety intervention;
 - Space for parents to provide feedback or comments to the school regarding the incident; and
 - A statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions, and the email and phone number for the parent to contact the school to schedule a meeting.
3. **Parent Information:** ***Upon the first occurrence*** during the school year of the use of an emergency safety intervention with a student, the information below must be provided in printed form, or upon the parent's written request, by email. ***Upon subsequent occurrences*** during the school year, the school must provide the parent with a full and direct website address with the following information:
 - A copy of the standards of when an emergency safety intervention can be used;
 - A flyer of parents' rights under emergency safety intervention law;
 - Information about the parent's right to file a complaint under the local dispute resolution process for emergency safety intervention;
 - Information about the process to request administrative review of a local board's dispute resolution decision by the State Board; and
 - Information to assist parents in navigating the dispute resolution process, including contact information for Families Together and the Disability Rights Center of Kansas.
4. **If the school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student:**
 - In this situation, mechanical restraint includes, but is not limited to, the use of handcuffs.
 - The school **shall** notify the parent the same day using the parent's preferred method of contact.

- The school **is not** required to provide written documentation of the incident, or the additional parent information.
- The school **is not** required to report these incidents to KSDE.

5. After each incident, a parent may request a meeting with the school to discuss and debrief the incident:

- The request may be verbal, written, or electronic.
- The school must hold the meeting within **10 school days** of the request, unless the parent is unable to attend within that time period.
- The focus of the meeting must include discussion of proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.
- If the student **has an individualized education program (IEP)**, the IEP team shall meet to discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence.
- If the student **has an IEP and is parentally placed in a private school**, the meeting shall include the parent and the private school, who shall consider whether the parent should request an IEP team meeting. If the parent requests an IEP team meeting, the private school must help facilitate such meeting.
- If the student **has a 504 plan**, the 504 team shall meet to discuss:
 - The incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence; and
 - the need for a special education evaluation.
- If the student **does not have** an IEP or 504 plan, the parent and school staff, as defined in the statute, shall discuss:
 - The incident and consider the appropriateness of a referral for a special education evaluation; and
 - whether there is a need for a functional behavioral analysis or a behavior intervention plan.
- **The parent will decide if the student should be invited** to the meeting, if the student is under 18 years old.

Parent Resources Regarding Emergency Safety Intervention:

[Standards for the Use of Emergency Safety Interventions](#)

[Emergency Safety Interventions Law](#)

[Family Guide to the Use of Emergency Safety Interventions in Kansas](#)

[Emergency Safety Intervention Medical Condition Form](#)

[GAAF – Board Policy Regarding Emergency Safety Interventions](#)

Questions on Emergency Safety Intervention Requirements?

Please contact Laura Jurgensen at (785) 296-5522 or ljurgensen@ksde.org,
or Julie Ehler at (785) 296-1944 or jehler@ksde.org .

Additional emergency safety intervention information and templates are located at www.ksdetasn.org .