

3 The board of education is committed to limiting the use of Emergency Safety Intervention  
4 (“ESI”), such as seclusion and restraint, with all students. Seclusion and restraint shall be used only  
5 when a student’s conduct necessitates the use of an emergency safety intervention as defined below.  
6 The board of education encourages all employees to utilize other behavioral management tools,  
7 including prevention techniques, de-escalation techniques, and positive behavioral intervention  
8 strategies.

9  
10 This policy shall be made available on the district website with links to the policy available on  
11 any individual school pages. In addition, this policy shall be included in at least one of the following:  
12 each school’s code of conduct, school safety plan, or student handbook. Notice of the online  
13 availability of this policy shall be provided to parents during enrollment each year.

14  
15 Definitions

16 “Campus police officer” means a school security officer designated by the board of education  
17 of any school district pursuant to K.S.A. 72–8222, and amendments thereto.

18  
19 “Chemical Restraint” means the use of medication to control a student’s violent physical  
20 behavior or restrict a student’s freedom of movement.

21  
22 “Emergency Safety Intervention” is the use of seclusion or physical restraint, but does not  
23 include physical escort or the use of time-out.

24  
25 “Incident” means each occurrence of the use of an emergency safety intervention.

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27 “Law enforcement officer” and “police officer” mean a full-time or part-time salaried officer or  
28 employee of the state, a county, or a city, whose duties include the prevention or detection of crime  
29 and the enforcement of criminal or traffic law of this state or any Kansas municipality. This term  
30 includes a campus police officer.

31  
32 “Legitimate law enforcement purpose” means a goal within the lawful authority of an officer  
33 that is to be achieved through methods or conduct condoned by the officer’s appointing authority.

34  
35 “Mechanical Restraint” means any device or object used to limit a student’s movement.

36  
37 “Parent” means: (1) a natural parent; (2) an adoptive parent; (3) a person acting as a parent  
38 as defined in K.S.A. 72-1046(d)(2), and amendments thereto; (4) a legal guardian; (5) an education  
39 advocate for a student with an exceptionality; (6) a foster parent, unless the student is a child with an  
40 exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.

41  
42 “Physical Escort” means the temporary touching or holding the hand, wrist, arm, shoulder, or  
43 back of a student who is acting out for the purpose of inducing the student to walk to a safe location.

44  
45 “Physical Restraint” means bodily force used to substantially limit a student’s movement,  
46 except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance,  
47 or instruction shall not be deemed to be physical restraint.

48  
49 “School resource officer” means a law enforcement officer or police officer employed by a local law  
50 enforcement agency who is assigned to a district through an agreement between the local law  
51 enforcement agency and the district.

54 “School security officer” means a person who is employed by a board of education of any  
55 school district for the purpose of aiding and supplementing state and local law enforcement agencies  
56 in which the school district is located, but is not a law enforcement officer or police officer.  
57

58 “Seclusion” means placement of a student in a location where all of the following conditions  
59 are met: (1) the student is placed in an enclosed area by school personnel; (2) the student is  
60 purposefully isolated from adults and peers; and (3) the student is prevented from leaving, or  
61 reasonably believes that he or she will be prevented from leaving the enclosed area.  
62

63 “Time-out” means a behavioral intervention in which a student is temporarily removed from a  
64 learning activity without being secluded.  
65

66 Prohibited Types of Restraint

67 All staff members are prohibited from engaging in the following actions with all students:

- 68 • Using face-down (prone) physical restraint;
- 69 • Using face-up (supine) physical restraint;
- 70 • Using physical restraint that obstructs the student’s airway;
- 71 • Using physical restraint that impacts a student’s primary mode of communication;
- 72 • Using chemical restraint, except as prescribed treatments for a student’s medical or  
73 psychiatric condition by a person appropriately licensed to issue such treatments; and
- 74 • Use of mechanical restraint, **except**:
  - 75 ○ Protective or stabilizing devices required by law or used in accordance with an  
76 order from a person appropriately licensed to issue the order for the device;
  - 77 ○ Any device used by a certified law enforcement officer to carry out law enforcement  
78 duties; or
  - 79 ○ Seatbelts and other safety equipment when used to secure students during  
80 transportation.

81 Use of Emergency Safety Interventions

82 ESI shall be used only when a student presents a reasonable and immediate danger of  
83 physical harm to such student or others with the present ability to effect such physical harm. Less  
84 restrictive alternatives to ESI, such as positive behavior interventions support, shall be deemed  
85 inappropriate or ineffective under the circumstances by the school employee witnessing the student’s  
86 behavior prior to the use of any ESI. The use of ESI shall cease as soon as the immediate danger  
87 of physical harm ceases to exist. Violent action that is destructive of property may necessitate the  
88 use of an ESI. Use of an ESI for purposes of discipline, punishment, or for the convenience of a  
89 school employee shall not meet the standard of immediate danger of physical harm.  
90

91 ESI Restrictions

92 A student shall not be subjected to ESI if the student is known to have a medical condition  
93 that could put the student in mental or physical danger as a result of ESI. The existence of such  
94 medical condition must be indicated in a written statement from the student’s licensed health care  
95 provider, a copy of which has been provided to the school and placed in the student’s file.  
96

97 Such written statement shall include an explanation of the student’s diagnosis, a list of any  
98 reasons why ESI would put the student in mental or physical danger, and any suggested alternatives  
99 to ESI. Notwithstanding the provisions of this subsection, a student may be subjected  
100

103 to ESI, if not subjecting the student to ESI would result in significant physical harm to the student or  
104 others.

105  
106 Use of Seclusion

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

109  
110 All seclusion rooms equipped with a locking door shall be designed to ensure that the lock  
111 automatically disengages when the school employee viewing the student walks away from the  
112 seclusion room, or in case of emergency, such as fire or severe weather.

113  
114 A seclusion room shall be a safe place with proportional and similar characteristics as other  
115 rooms where students frequent. Such room shall be free of any condition that could be a danger to  
116 the student, well-ventilated, and sufficiently lighted.

117  
118 Training

119 All staff members shall be trained regarding the use of positive behavioral intervention  
120 strategies, de-escalation techniques, and prevention techniques. Such training shall be consistent  
121 with nationally recognized training programs on ESI. The intensity of the training provided will depend  
122 upon the employee's position. Administrators, licensed staff members, and other staff deemed most  
123 likely to need to restrain a student will be provided more intense training than staff who do not work  
124 directly with students in the classroom. District and building administration shall make the  
125 determination of the intensity of training required by each position.

126  
127 Each school building shall maintain written or electronic documentation regarding the training  
128 that was provided and a list of participants, which shall be made available for inspection by the state  
129 board of education upon request.

130  
131 Notification and Documentation

132 The principal or designee shall notify the parent the same day as an incident. The same-day  
133 notification requirement of this subsection shall be deemed satisfied if the school attempts at least  
134 two methods of contacting the parent. A parent may designate a preferred method of contact to  
135 receive the same-day notification. Also, a parent may agree, in writing, to receive only one same-day  
136 notification from the school for multiple incidents occurring on the same day.

137  
138 Documentation of the ESI used shall be completed and provided to the student's parents no  
139 later than the school day following the day of the incident. Such written documentation shall include:  
140 (A) The events leading up to the incident; (B) student behaviors that necessitated the ESI; (C) steps  
141 taken to transition the student back into the educational setting; (D) the date and time the incident  
142 occurred, the type of ESI used, the duration of the ESI, and the school personnel who used or  
143 supervised the ESI; (E) space or an additional form for parents to provide feedback or comments to  
144 the school regarding the incident; (F) a statement that invites and strongly encourages parents to  
145 schedule a meeting to discuss the incident and how to prevent future incidents; and (G) email and  
146 phone information for the parent to contact the school to schedule the ESI meeting. Schools may  
147 group incidents together when documenting the items in subparagraphs (A), (B) and (C) if the  
148 triggering issue necessitating the ESIs is the same.

149  
150 The parent shall be provided the following information after the first and each subsequent  
151 incident during each school year: (1) a copy of this policy which indicates when ESI can be used; (2)  
152 a flyer on the parent's rights; (3) information on the parent's right to file a complaint through the local  
153 dispute resolution process (which is set forth in this policy) and the complaint process of the state  
154 board of education; and (4) information that will assist the parent in navigating the complaint process,

157 including contact information for Families Together and the Disability Rights Center of Kansas. Upon  
158 the first occurrence of an incident of ESI, the foregoing information shall be provided in printed form  
159 or, upon the parent’s written request, by email. Upon the occurrence of a second or subsequent  
160 incident, the parent shall be provided with a full and direct website address containing such  
161 information.

162  
163 Law Enforcement, School Resource, and Campus Security Officers

164 Campus police officers and school resource officers shall be exempt from the requirements  
165 of this policy when engaged in an activity that has a legitimate law enforcement purpose. School  
166 security officers shall not be exempt from the requirements of this policy.

167 If a school is aware that a law enforcement officer or school resource officer has used  
168 seclusion, physical restraint, or mechanical restraint on a student, the school shall notify the parent  
169 the same day using the parent’s preferred method of contact. A school shall not be required to provide  
170 written documentation to a parent, as set forth above, regarding law enforcement use of an  
171 emergency safety intervention, or report to the state department of education any law enforcement  
172 use of an emergency safety intervention. For purposes of this subsection, mechanical restraint  
173 includes, but is not limited to, the use of handcuffs.

174  
175 Documentation of ESI Incidents

176 Except as specified above with regard to law enforcement or school resource officer use of  
177 emergency safety interventions, each building shall maintain documentation any time ESI is used  
178 with a student. Such documentation must include all of the following:

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180
- 181 • Date and time of the ESI,
  - 182 • Type of ESI,
  - 183 • Length of time the ESI was used,
  - 184 • School personnel who participated in or supervised the ESI,
  - 185 • Whether the student had an individualized education program at the time of the incident,
  - 186 • Whether the student had a section 504 plan at the time of the incident, and whether the  
187 student had a behavior intervention plan at the time of the incident.

188 All such documentation shall be provided to the building principal, who shall be responsible  
189 for providing copies of such documentation to the superintendent or the superintendent’s designee  
190 on at least a biannual basis. At least once per school year, each building principal or designee shall  
191 review the documentation of ESI incidents with appropriate staff members to consider the  
192 appropriateness of the use of ESI in those instances.

193  
194 Reporting Data

195 District administration shall report ESI data to the state department of education as required.  
196

197 Parent Right to Meeting on ESI Use

198 After each incident, a parent may request a meeting with the school to discuss and debrief  
199 the incident. A parent may request such meeting verbally, in writing, or by electronic means. A  
200 school shall hold a meeting requested under this subsection within 10 school days of the parent’s  
201 request. The focus of any such meeting shall be to discuss proactive ways to prevent the need for  
202 emergency safety interventions and to reduce incidents in the future.

203  
204 For a student with an IEP or a Section 504 plan, such student’s IEP team or Section 504 plan  
205 team shall discuss the incident and consider the need to conduct a functional behavioral assessment,  
206 develop a behavior intervention plan, or amend the behavior intervention plan if already in existence.  
207

210 For a student with a section 504 plan, such student's section 504 plan team shall discuss and  
211 consider the need for a special education evaluation. For students who have an individualized  
212 education program and are placed in a private school by a parent, a meeting called under this  
213 subsection shall include the parent and the private school, who shall consider whether the parent  
214 should request an individualized education program team meeting. If the parent requests an  
215 individualized education program team meeting, the private school shall help facilitate such meeting.

216  
217 For a student without an IEP or Section 504 plan, the school staff and the parent shall discuss  
218 the incident and consider the appropriateness of a referral for a special education evaluation, the  
219 need for a functional behavioral assessment, or the need for a behavior intervention plan. Any such  
220 meeting shall include the student's parent, a school administrator for the school the student attends,  
221 one of the student's teachers, a school employee involved in the incident, and any other school  
222 employees designated by the school administrator as appropriate for such meeting.

223  
224 The student who is the subject of such meetings shall be invited to attend the meeting at the  
225 discretion of the parent. The time for calling such a meeting may be extended beyond the 10-day  
226 limit if the parent of the student is unable to attend within that time period. Nothing in this section  
227 shall be construed to prohibit the development and implementation of a functional behavior  
228 assessment or a behavior intervention plan for any student if such student would benefit from such  
229 measures.

#### 230 231 Local Dispute Resolution Process

232 If a parent believes that an emergency safety intervention has been used on the parent's child  
233 in violation of state law or board policy, the parent may file a complaint as specified below.

234  
235 The board of education encourages parents to attempt to resolve issues relating to the use of  
236 ESI informally with the building principal and/or the superintendent before filing a formal complaint  
237 with the board. Once an informal complaint is received, the administrator handling such complaint  
238 shall investigate such matter, as deemed appropriate by the administrator. In the event that the  
239 complaint is resolved informally, the administrator must provide a written report of the informal  
240 resolution to the superintendent and the parents and retain a copy of the report at the school. The  
241 superintendent will share the informal resolution with the board of education and provide a copy to  
242 the state department of education.

243  
244 If the issues are not resolved informally with the building principal and/or the superintendent,  
245 the parents may submit a formal written complaint to the board of education by providing a copy of  
246 the complaint to the clerk of the board and the superintendent within thirty (30) days after the parent  
247 is informed of the incident.

248  
249 Upon receipt of a formal written complaint, the board president shall assign an investigator to  
250 review the complaint and report findings to the board as a whole. Such investigator may be a board  
251 member, a school administrator selected by the board, or a board attorney. Such investigator shall  
252 be informed of the obligation to maintain confidentiality of student records and shall report the findings  
253 of fact and recommended corrective action, if any, to the board in executive session.

254  
255 Any such investigation must be completed within thirty (30) days of receipt of the formal written  
256 complaint by the board clerk and superintendent. On or before the 30<sup>th</sup> day after receipt of the written  
257 complaint, the board shall adopt written findings of fact and, if necessary, appropriate corrective  
258 action. A copy of the written findings of fact and any corrective action adopted by the board shall only  
259 be provided to the parents, the school, and the state department of education and shall be mailed to  
260 the parents and the state department within 30 days of the board's receipt of the formal complaint.

261 **GAAF Emergency Safety Interventions**

**GAAF-6**

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263 If desired, a parent may file a complaint under the state board of education administrative  
264 review process within thirty (30) days from the date a final decision is issued pursuant to the local  
265 dispute resolution process.

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