**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.

“Seclusion” means placement of a student in a location where all of 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 reasonably believes that he or she 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.

“Parent” means: (1) a natural parent; (2) an adoptive parent; (3) a person acting

as a parent as defined in K.S.A. 72-1046(d)(2), and amendments thereto; (4) a legal guardian; (5)

an education advocate for a student with an exceptionality; or (6) a student who has reached the

age of majority or is an emancipated minor.

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

movement, except that consensual, solicited or unintentional contact and contact to provide

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comfort, assistance or instruction shall not be deemed to be physical restraint.

“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.

Prohibited Types of Restraint

All staff members are prohibited from engaging in the following actions with

all students:

* Using face-down (prone) physical restraint;
* Using face-up (supine) physical restraint;
* Using physical restraint that obstructs the student’s airway;
* Using physical restraint that impacts a student’s primary mode of communication;
* Using chemical restraint, except as prescribed by a licensed healthcare professional

for treatment of a medical or psychiatric condition; and

* Use of mechanical restraint, except:
* Protective or stabilizing devices required by law or used in accordance with

an order from a licensed healthcare professional;

* Any device used by law enforcement officers to carry out law enforcement

duties; or

* Seatbelts and other safety equipment used to secure students during transportation.

Use of Emergency Safety Intervention

ESI shall be used only when a student presents a reasonable and immediate danger

of physical harm to such student or others with the present ability to effect such physical harm.

Less restrictive alternatives to ESI, such as positive behavior interventions support, shall be

deemed inappropriate or ineffective under the circumstances by the school employee witnessing

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the student’s behavior prior to the use of any ESI. The use of ESI shall cease as soon as the

immediate danger of physical harm ceases to exist. Violent action that is destructive of property

may necessitate the use of an ESI. Use of an ESI for purposes of discipline, punishment or for

convenience of a school employee shall not meet the standard of immediate danger of physical

harm.

Seclusion Restrictions

A student shall not be subjected to seclusion if the student is known to have a

medical condition that could put the student in mental or physical danger as a result of seclusion.

The existence of such medical condition must be indicated in a written statement from the

student’s licensed health care provider, a copy of which has been provided to the school and

placed in the student’s file.

When a student is placed in seclusion, a school employee shall be able to see and

hear the student at all times. All seclusion rooms equipped with a locking door shall be designed

to ensure that the lock automatically disengages when the school employee viewing the student

walks away from the seclusion room, or in case of emergency, such as fire or severe weather.

A seclusion room shall be a safe place with proportional and similar characteristics

as other rooms where students frequent. Such room shall be free of any condition that could be

a danger to the student and shall be well-ventilated and sufficiently lighted.

Training

All Staff members shall be trained regarding the use of positive behavioral

intervention strategies, de-escalation techniques, and prevention techniques. Such training shall

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be consistent with nationally recognized training programs on the use of emergency safety

interventions. The intensity of the training provided will depend upon the employee’s position.

Administrators, licensed staff members, and other staff deemed most likely to need to restrain a

student will be provided more intense training than classified staff who do not work directly

with students in the classroom. District and building administration shall make the determination

of the intensity of training required by each position.

Each school building shall maintain documentation regarding the training that

was provided and a list of participants.

Notification and\_Documentation

The principal or designee shall notify the parent, or if a parent cannot be

notified then shall notify an emergency contact person for such student, the same day the

ESI was used. Documentation of the ESI used shall be completed and provided to the student’s

parents no later than the school day following the day on which the ESI was used. The parent

shall be provided the following information after the first and each subsequent incident in which

an ESI is used during each school year: (1) a copy of this policy which indicates when ESI can

be used; (2) a flyer on the parent’s rights; (3) information on the parent’s right to file a complaint

through the local dispute resolution process (which is set forth in this policy) and, once it has

been developed, the complaint process of the state board of education; and (4) information that

will assist the parent in navigating the complaint process, including contact information for

Families Together and the Disability Rights Center of Kansas. Upon the first occurrence of an

incident involving the use of emergency safety interventions, the foregoing information shall be

provided in printed form and upon the occurrence of a second or subsequent incident shall be

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provided through a full website address containing such information.

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 or designee 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.

Three (3) Incidents of ESI for Same Student

If a student with an IEP or a Section 504 plan has three incidents of ESI in a school year,

then such student’s IEP team or Section 504 team shall meet within ten (10) days following the

third incident to discuss the incident and consider the need to conduct a functional behavioral

assessment, develop a behavior intervention plan or amend the behavior intervention plan if

already in existence, unless the IEP team or Section 504 team has agreed on a different process.

If a student without an IEP or Section 504 plan has three incidents of ESI in a school year,

then the school staff and the parent shall meet within ten (10) days following the third incident to

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discuss the incident and consider the appropriateness of a referral for a special education

evaluation, the need for a functional behavioral assessment, or the need for a behavior

intervention plan. Any such meeting shall include the student’s parent, a school administrator

for the school the student attends, one of the student’s teachers, a school employee involved in

the incident, and any other school employees designated by the school administrator as

appropriate for such meeting.

The student who is the subject of such meetings after a third ESI incident shall be invited

to attend the meeting. The time for calling such a meeting may be extended beyond the 10-day

limit if the parent of the student is unable to attend within that time period. Nothing in this

section shall be construed to prohibit the development and implementation of a functional

behavior assessment or a behavior intervention plan for any student who has not had three

ESI incidents in a school year.

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

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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.

Any such investigation must be completed within thirty (30) days of receipt of the

formal written complaint by the board clerk and superintendent. On or before the 30th day

after receipt of the written complaint, the board shall adopt a report containing written findings

of fact and, if necessary, appropriate corrective action. A copy of the report adopted by the

board shall be provided to the parents, the school, and the state board of education. Once such a

procedure has been developed, a parent may file a complaint under the state board of education

complaint process within thirty (30) days from the date a final decision is issued pursuant to the

local dispute resolution process.

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