



# **Emergency Safety Intervention (ESI) Parent Information**

**Trego Community High School USD # 208**  
**[tregoeagles.com/district.html](http://tregoeagles.com/district.html)**  
**Mr. Craig Malsam**  
**785-743-2061**



Trego Community High School  
 1200 Russell Ave  
 WaKeeney, KS 67672  
 (785) 743-2061

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: [tregoeagles.com/district.html](http://tregoeagles.com/district.html)  
 State ESI Resources: [www.ksdetasn.org](http://www.ksdetasn.org)

Sincerely,

Mr. Craig Malsam  
 785-743-2061

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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# Standards of When ESI Can Be Used

The emergency safety interventions (ESI) law set forth standards for the use of restraint and seclusion to ensure that all Kansas students and staff have a safe learning environment. The standards found in the ESI statutes and regulations are required to be followed in all Kansas public school districts and accredited private schools.

An **ESI** is the use of seclusion or physical restraint. The use of ESIs shall **cease as soon as the immediate danger of physical harm and violent action ceases to exist**.

Before using an ESI, a school employee witnessing the student's behavior must have determined that **less restrictive alternatives** to ESI, such as positive behavior interventions support, were inappropriate or ineffective under the circumstances.

ESIs 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**. Violent action that is destructive of property may necessitate the use of an ESI. ESIs may not be used for purposes of discipline, punishment, or for the convenience of a school employee.

**Physical restraint** means bodily force used to substantially limit a student's movement. Physical restraint is **NOT**:

- Consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction;
- physical escort;
- prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments;
- protective or stabilizing devices either ordered by an appropriately licensed professional or required by law;
- any device used by a law enforcement officer in carrying out law enforcement duties; and
- seatbelts and any other safety equipment when used to secure students during transportation.

**Prohibited** types of restraints:

- **Prone**, or face-down, physical restraint;
- **supine**, or face-up, physical restraint;
- any physical restraint that **obstructs the airway** of a student;
- any physical restraint that **impacts a student's primary mode of communication**;
- **chemical** restraint ("chemical restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement); and
- **mechanical** restraint ("mechanical restraint" means any device or object used to limit a student's movement).

**Seclusion** means placement of a student in a location where:

- The student is placed in an **enclosed area** by school personnel;

- the student is **purposefully isolated** from adults and peers; and
- the student is **prevented from leaving**, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

A student may not be secluded 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 medical condition must be in a written statement from the student's licensed health care provider, and a copy of given 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.

If a seclusion room has a locking door it must be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

A seclusion room must be a **safe place**. The room must have good ventilation and lighting, and be free of any condition that could be a danger to the student. The room must also be similar to other rooms where students frequent.

Seclusion is **not time-out**, which is a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.

## Parents' Rights Flyer

### Where can I find out more information about Emergency Safety Interventions (Seclusion and Restraint)?



Families Together, Inc.

Topeka Parent Center- 1-800-264-6343  
topeka@familiestogetherinc.

Wichita Parent Center- 1-888-815-6364  
wichita@familiestogetherinc.org

Garden City Parent Center- 1-888-820-6364  
gardencity@familiestogetherinc.org

Kansas City Parent Center- 1-877-499-5369  
kansascity@familiestogetherinc.org



Kansas Parent Information Resource Center (KPIRC)

1-866-711-6711  
www.kpirc.org

Kansas State Department of Education (KSDE)  
1-800-203-9462  
www.ksde.org



A Family Guide to  
the Use of  
Emergency Safety  
Interventions  
(Seclusion and  
Restraint) in Kansas



## What are Emergency Safety Interventions?

Emergency Safety Interventions (ESI) are seclusion and restraint that is used when the student presents an immediate danger to self or others. Violent destruction of property may also prompt the use of ESI.

### What is Seclusion?

According to K.A.R. 91-42-1 (h), seclusion is defined when used with a student, and all the following conditions are met:

1. the child is placed in an enclosed area by school personnel;
2. the child is purposefully isolated from other adults and peers; and,
3. the child is prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area.



Time-out is not the same as seclusion. Time-out is when a student is temporarily removed from the learning activity, without being confined.

### What is Restraint? (K.A.R. 91-42-1(a), (d), (f))

Restraint can take form in different ways. Mechanical restraint is defined as any device or object used to limit a student's movement. The use of mechanical restraint is prohibited in Kansas except those protective or stabilizing devices ordered by a person appropriately licensed to issue the order for the device. Mechanical restraint used by a law enforcement officer in carrying out law enforcement duties is allowed. Seatbelts and/or other safety equipment when used to secure students during transportation are also allowed.

The definition of physical restraint is bodily force used to substantially limit a student's movement. The use of prone physical restraint (face-down) and supine physical restraint (face-up) are prohibited. Physical restraint may not obstruct the airway of the student or impact the student's primary mode of communication.

Chemical restraint is prohibited in Kansas, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments. Chemical restraint is defined as the use of medication to control violent physical behavior or restrict a student's freedom of movement.

## What Do Schools Have to Do? (K.A.R. 91-42-2)

Develop and implement policies. Kansas regulations require that districts develop and implement written policies to govern the use emergency safety interventions in all schools. The regulations require that district policies shall conform to the definitions and requirements set forth in the regulations. This means that seclusion and restraint may only be used when the student is presenting an immediate danger to self or others or if a violent destruction of property is occurring. The district's policies should be provided to parents once a year. The policies also should be available on the school's website and included in the school's code of conduct (school rules), school safety plan, or student handbook, or any combination of these.

Train staff. School personnel should receive training consistent with nationally recognized training programs on the use of seclusion and restraint. The training should address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies. Training should be designed to meet the needs of staff as appropriate to their duties and potential need to use ESI. Schools shall maintain written or electronic documentation on training provided and lists of participants in each training.

Document and notify. Parents must be notified in writing when an emergency safety intervention is used on their child within two school days. The school must document any incident of ESI including the date and time, the type, the length of time the intervention was used, and the school personnel who participated in or supervised the intervention. The district must develop a procedure for the collection, maintenance, and periodic review of the use of ESI.

Establish local dispute resolution processes. Each district shall develop policies that, at a minimum, shall include:

1. A complaint investigation procedure;
2. A procedure for parents to present written complaints to the local board of education to initiate complaint investigation by the local board of education; and,
3. a procedure for parents, the school, and the Kansas State Department of Education to receive written findings of fact and, if necessary, a corrective action from the local board of education within 30 days of filing a complaint by a parent.



**Federal Resource Document on Seclusion and Restraint** The U.S. Department of Education has identified 15 principles that should be considered as the framework for policies and procedures regarding the use of seclusion and restraint in schools. The following principles have been taken directly from the U.S. Department of Education, *Restraint and Seclusion: Resource Document* Washington, D.C., 2012:

Restraint or seclusion should not be used as routine school safety measures; this is, they should not be implemented except in situations where a child's behavior poses imminent danger of serious physical harm to self or others and not as a routine strategy implemented to address instructional problems or inappropriate behavior (e.g., disrespect, noncompliance, insubordination, out of seat), as a means of coercion or retaliation, or as a convenience.

U.S. Department of Education *Restraint and Seclusion: Resource Document*

1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
3. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.
4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
5. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.
6. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.
7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.
8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior, if positive behavioral strategies are not in place, staff should consider developing them.
9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.
10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.
11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child.
12. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State and local laws.
13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.
14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.
15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.



In addition, preventive strategies to reduce the likelihood that restraint or seclusion will need to be used with a child should be established, documented, and communicated to the child's parents.

U.S. Department of Education, *Restraint and Seclusion: Resource Document*

## Functional Behavioral Assessments

All behaviors have function and are maintained in environments that support them. If your child's behavior impedes the learning of self or others, you may consider



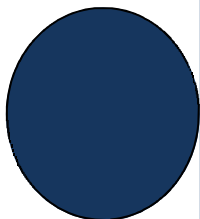
requesting a functional behavioral assessment. A Functional Behavioral Assessment (FBA) can help teams determine the when, where, how and why problematic behavior occurs. A comprehensive FBA includes interviews, record reviews, observation and data collection, testing hypotheses, curriculum analysis, implementation of interventions and evaluation of effectiveness of the plan. FBAs should identify antecedents (what happens just before the behavior occurs), a very clearly defined picture of the behavior that is occurring, and the reinforcers (what happens just after the behavior occurs). If a

behavior meets a function for the student, the behavior will continue. Problematic behaviors occur for two reasons: to get something (power, attention, control, an object) or to avoid or escape something (work, a person, a situation). Teams need to determine what the function of the behavior is so that they may provide successful interventions or teach replacement behaviors that meet the same function for the student.

## Behavior Intervention Plans

Behavior Intervention Plans (BIPs) should be positive and instructive and based upon a functional behavioral assessment. A BIP should address:

- Effective re-teaching of the expected behavior
- The function of the behavior
- Rewards and consequences that are meaningful to the student
- Opportunities to self-manage behaviors



A functional behavioral assessment can be conducted at any time for a student who does not respond to school-wide behavioral interventions. Following the assessment, a behavior intervention plan may be developed. As a parent, you have the right to request a functional behavioral assessment.

Contact Families Together for further assistance.

## Why focus on Positive Interventions?

Positive Interventions help build positive relationships and encourage new behaviors. Positive interventions also reinforce new skills and increase self-satisfaction and optimism among youth, parents and teachers. All students need to be recognized and rewarded when they are meeting the expectations that have been established. Current research suggests positive recognition (rewards, reinforcements, praise) must occur more frequently than negative recognition-- a ratio of 7 to 1! A well-developed behavior intervention plan should include many positive interventions in order to effectively change behavior. The first consideration should be the appropriateness of the interventions. The team should select interventions that are based upon the student's developmental level, motor ability, communication mode and other factors relevant to the student and the disability. Environmental and context related factors should also be considered. These might include things such as classroom seating, noise levels, peer issues, instruction that is too hard or too easy, transitions, and changes in the setting.

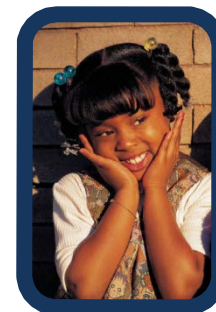
Behavioral strategies, particularly when implemented as part of a school-wide program of positive behavioral supports, can be used to address the underlying causes of dangerous behavior and reduce the likelihood that restraint or seclusion will need to be used.

U.S. Department of Education  
Restraint and Seclusion:  
Resource Document

## Replacement Behaviors

A replacement behavior is when a student replaces an inappropriate behavior with an appropriate one that continues to serve the same function for the student. When selecting replacement behaviors, the team should address the following questions:

- Does the replacement behavior work as well as the challenging behavior in meeting the student's needs?
- Will it be an acceptable alternative to the challenging behavior?
- Will the replacement behavior be something the student will choose to do and that his or her family and teachers support?
- Will the replacement behavior help build a positive reputation for the student?



Students should be recognized and rewarded for choosing to utilize replacement behaviors to be most effective.

## **Local Dispute Resolution Process**

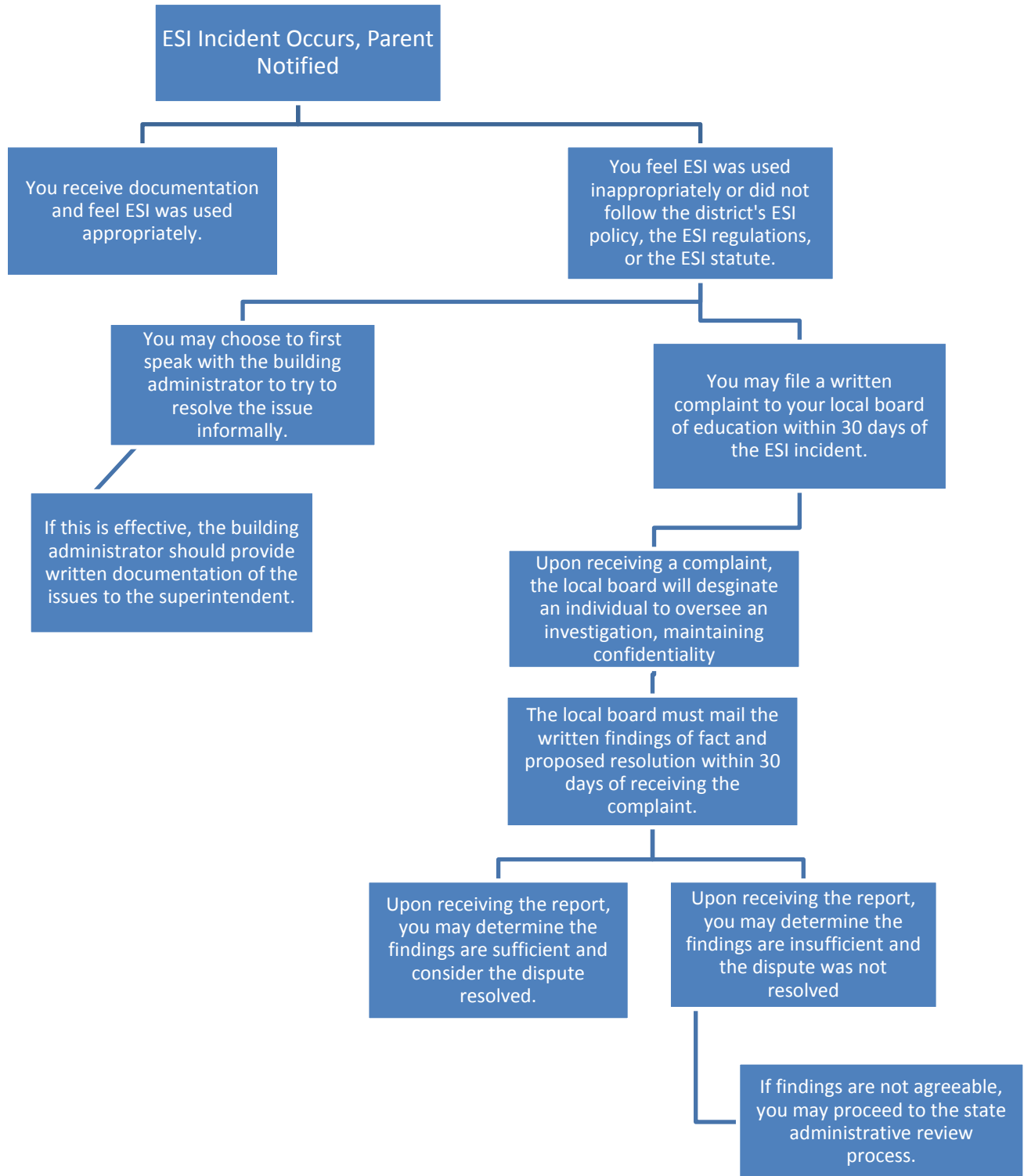
The board of education encourages parents to attempt to resolve issues relating to the use of ESI informally with the building principal and/or the superintendent before filing a formal complaint with the board. In the event that the complaint is resolved informally, the administrator must provide a 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.

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 written findings of fact and, if necessary, appropriate corrective action. A copy of the written findings of fact and any corrective action adopted by the board shall only be provided to the parents, the school, and the state department 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.

# Local Dispute Resolution Guide for Parents





## **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**

Dr. George Griffith

785-743-2145

[ggriffith@regoeagles.com](mailto:ggriffith@regoeagles.com)

#### **School Administrator Contact for ESI Questions**

Mr. Craig Malsam

785-743-2472

[hsprin@regoeagles.com](mailto:hsprin@regoeagles.com)

*[regoeagles.com/district.html](http://regoeagles.com/district.html)*

### State

#### **General ESI Information:**

<http://ksdetasn.org/>

#### **ESI Questions:**

Laura Jurgensen

Kansas State Department of Education

[ljurgensen@ksde.org](mailto:ljurgensen@ksde.org)

785-296-5522

#### **Parent Training and Information Center:**

Families Together

<http://famielstoegetherinc.org/>

888-815-6364

#### **Protection and Advocacy System:**

Disability Rights Center of Kansas

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

877-776-1541 or 785-273-9661