



Emergency Safety Intervention (ESI) Parent Information

**USD #294/Oberlin
Duane L. Dorshorst, Superintendent**

(785) 475-3805

DRAFT/EXAMPLE LETTER

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: www.usd294.org

State ESI Resources: www.ksdetasn.org

Sincerely,



Duane L. Dorshorst
(785) 475-3805

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 for the use of Emergency Safety Interventions

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 1
 - **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.

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July 2015

Parents' Rights Flyer

- *Document created by Families Together and KSDE titled “A Family Guide to the Use of Emergency Safety Interventions (Seclusion and Restraint) in Kansas” coming soon to www.ksdetasn.org; or*

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.

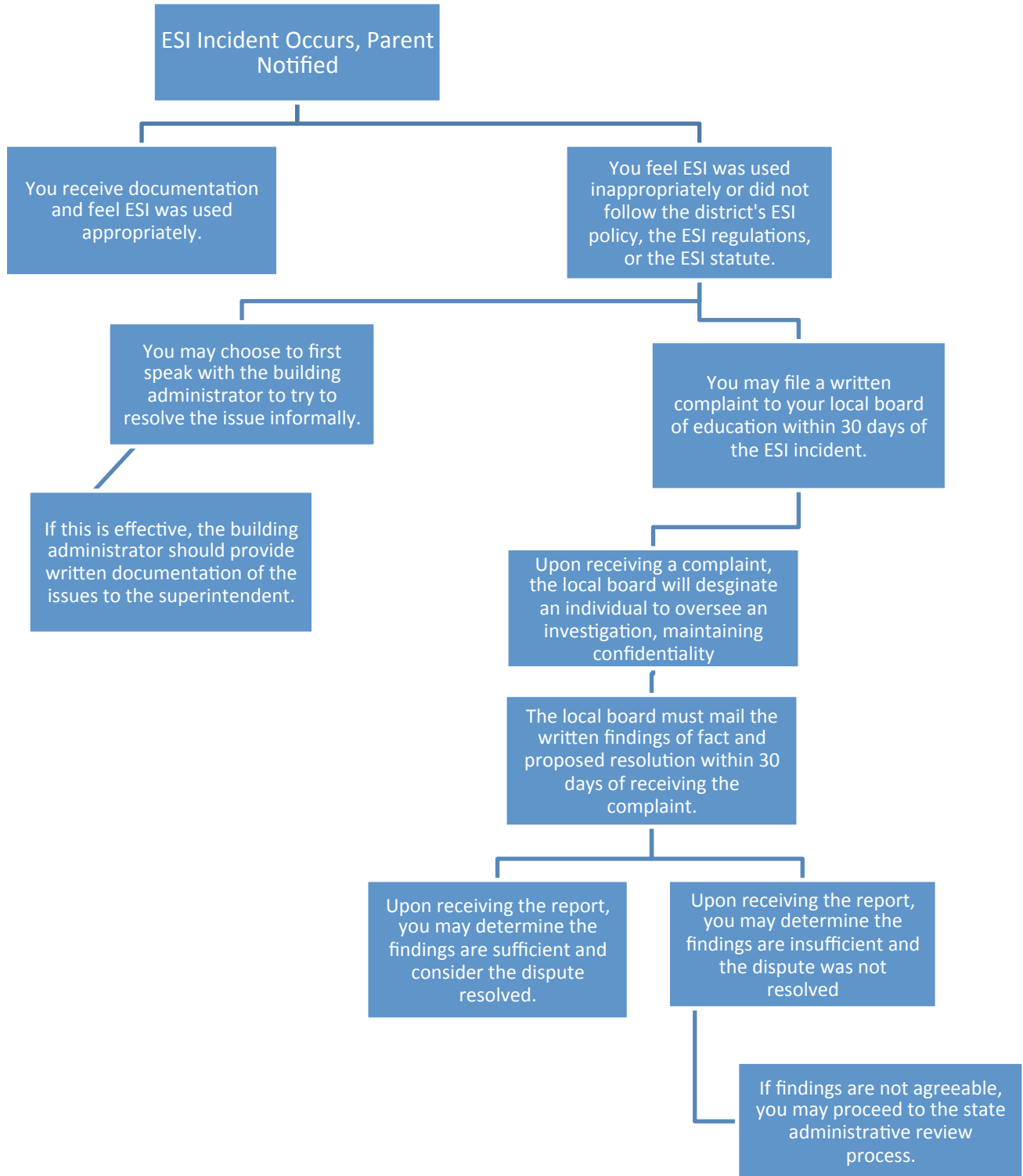
If the issues are not resolved informally with the building principal and/or the superintendent, the parents may submit a formal written complaint to the board of education by providing a copy of the complaint to the clerk of the board and the superintendent within thirty (30) days after the parent is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

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Local Dispute Resolution Guide for Parents



State Board Administrative Review Process

This process will be available no later than March 1, 2016. Information about this process will be available as soon as the proposed regulation is adopted by the Kansas State Board of Education.

State Board Administrative Review Guide for Parents

This process will be available no later than March 1, 2016. Information to help parents navigate this process will be available as soon as the proposed regulation is adopted by the Kansas State Board of Education.



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/Oberlin Elementary Contact

Duane L. Dorshorst
(785) 475-3805
ddorshorst@usd294.org

Decatur Community Jr/Sr High Contact for ESI Questions

Benjamin Jimenez
(785) 475-2231
bjimenez@usd294.org

www.usd294.org

State

General ESI Information:

<http://ksdetasn.org/>

ESI Questions:

Laura Jurgensen
Kansas State Department of Education
ljurgensen@ksde.org
785-296-5522

Parent Training and Information Center:

Families Together
<http://famielsttogetherinc.org/>
888-815-6364

Protection and Advocacy System:

Disability Rights Center of Kansas
<http://www.drckansas.org/>
877-776-1541 or 785-273-9661