

Emergency Safety Interventions: Requirements

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Project STAY

Questions are Encouraged!

- If you wish to ask a question, raise your hand and an aisle runner will pass a notecard and pencil to you to write your question. When finished, pass it to the individual at the end of the aisle who will raise their hand and give it back to the aisle runner.
- If you have questions about specific scenarios – whether it was or was not an emergency safety intervention – please write those down and pass them to the aisle runners. Those will not be addressed today, but will be studied by a district team to create guidance around what is and is not considered seclusion and restraint.

Location of Documents

- Each building principal has access to the documents for reporting Emergency Safety Interventions. If you believe you need access to the folder (which is found at <http://www.topekapublicschools.net/Page/301>) contact your building principal to request being given access.

Definitions

- **Emergency Safety Intervention -**
The use of seclusion or physical restraint
- **Incident -** Each occurrence of the use of an emergency safety intervention
- **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
 - **Physical escort is not physical restraint.** This is 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,

Definitions

- **Seclusion**

- The placement of a student in a location where all of the following conditions are met:
 - The student is placed in an enclosed area by school personnel
 - The student is purposefully isolated from adults and peers
 - The student is prevented from leaving or the student reasonably believes that such student will be prevented from leaving the enclosed area
- **Time-out is not necessarily seclusion.** This is a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded. If the three conditions, above, are met, it will become seclusion.

When May Emergency Safety Interventions Be Used?

- Emergency safety interventions 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.
- The use of emergency safety intervention must stop as soon as the immediate danger of physical harm ends.
- Violent action that is destructive of property and presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm may necessitate the use of an emergency safety intervention. This need to be interpreted within the context of feedback from the district.

When May Emergency Safety Interventions Be Used?

- Less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances prior to an emergency safety intervention being used.
- Emergency safety intervention must not be used for discipline, punishment, or the convenience of a school employee.

Requirements for the Use of Seclusion

- 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.
- A seclusion room must be a safe place with proportional and similar characteristics as other rooms where students frequent.
- If a school uses a seclusion room, it must be free of any condition that could be a danger to the student, and shall be well-ventilated and sufficiently lighted.

Prohibited Types of Restraint

- **Face-down** (prone) physical restraint
- **Face-up** (supine) physical restraint
- Physical restraint that **obstructs the student's airway**
- Physical restraint that **impacts a student's primary mode of communication**
- **Chemical restraint**, except as prescribed by an appropriately licensed person for treatment of a medical or psychiatric condition
- **Mechanical restraint**, *except*:
 - Protective or stabilizing devices required by law or used in accordance with an **order** from **an appropriately licensed person**;
 - 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.

Written Statement from Medical Provider

- An emergency safety intervention may not be used with a student if the student is **known to have a medical condition** that could put the student in **mental or physical danger** as a result of the emergency safety intervention.
- Principals have forms that are filled out by parents and licensed medical or health care professionals, on file for any student this applies to.
- An emergency safety intervention may still be used if not using an emergency safety intervention would result in significant physical harm to the student or others.
 - For example, a student with written documentation that the use of an emergency safety intervention would cause mental or physical danger who attempts to run out into a busy street may be restrained for safety.

Notifying Parents of Emergency Safety Intervention Incidents

- Parents must be notified on the **same day** as the incident
 - The same day notification requirement is satisfied if the school attempts to contact the parent using 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 for multiple incidents occurring on the same day**.

Notifying Parents of Emergency Safety Intervention Incidents

- **Written documentation** of an emergency safety intervention incident must be completed and provided to the parent no later than the school day following the incident. This must include:
 - (A) The events leading up to the incident;
 - (B) student behaviors necessitating the emergency safety intervention;
 - (C) steps taken to transition the student back into the educational setting;
 - (D) the date and time the incident occurred, the type of emergency safety intervention used, the duration of the emergency safety intervention, and the school personnel who used or supervised the emergency safety intervention;
 - (E) space or an additional form for parents to provide feedback or comments to the school regarding the incident;
 - (F) 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
 - (G) email and phone contact information for the parent to schedule an emergency safety intervention meeting.
- KSDE interprets “written” to mean printed or electronic.
- Schools may group incidents together when documenting the items in (A), (B), and (C) if the triggering issue necessitating the emergency safety interventions is the same.

Notifying Parents of Emergency Safety Intervention Incidents

- Upon the **first incident** in a school year, parents must be provided the following information **in printed form, or upon parent's written request, by email:**
 - A copy of the standards of when emergency safety interventions can be used
 - A flyer on the parent's rights under emergency safety intervention law
 - Information on the parent's right to file a complaint with their local board and their right to request administrative review by the State Board
 - Information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas
- For subsequent incidents, schools must provide this information to parents with a **full and direct website** with the information.

Notifying Parents of Emergency Safety Intervention Incidents

- Parent notification if the school is aware that a **law enforcement officer or school resource officer used seclusion, physical restraint, or mechanical restraint on a student**
 - The **school must notify the parent the same** day using the parent's preferred method of contact for emergency events.
 - The school is not required to provide the documentation of the incident or the information to the parent specified in slides 11 and 12.
 - The school is not required to report these incidents to KSDE.
 - Mechanical restraint includes the use of handcuffs.

Parent Meeting Requirements

- The written documentation of any emergency safety intervention incident must contain 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 **email and phone information** for the parent to contact the school to schedule the emergency safety intervention meeting.
- **After each emergency safety intervention incident**, a parent may request a meeting with the school to discuss and debrief the incident. **A parent may request such meeting verbally, in writing, or by electronic means.** The focus of any meeting convened is to discuss **proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.**

Parent Meeting Requirements

- If a parent requests a meeting to discuss an emergency safety intervention incident, the meeting must be called within 10 **school** days.
- Nothing prevents a school from grouping incidents into one meeting for discussion, as long as the timeline in the previous sentence is met.
- The time for calling this meeting shall be **extended** beyond the 10 school day limit **if the parent is unable to attend within that time period.**
- The **parent will determine** whether the student shall be invited to the meeting

Parent Meeting Requirements

- If the student has an IEP or a 504 plan:
 - IEP team or 504 plan team meets to discuss the incident
 - When an IEP team meets, all IEP notice and meeting requirements must be followed.
 - The team will consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan (BIP), or amend either if already in existence.
 - If the student has a 504 plan, the team must discuss and consider the need for a special education evaluation.
- If the student does not have an IEP or a 504 plan:
 - Meeting is between the parent, school administrator, teacher, school employee involved in the incident, and other school employees that the school administrator deems appropriate.
 - The group will discuss the incident, consider the need for a functional behavioral analysis or BIP, and consider the appropriateness of a referral for a special education evaluation.

School Personnel Training

- District policies must include school personnel training for all staff in the legal requirements of emergency safety intervention law and must address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.
 - Training must be designed to meet the needs of personnel as appropriate to their duties and potential need to use an emergency safety intervention.
 - If the needs of certain district staff require training on the use of emergency safety intervention such training must be consistent with nationally recognized training programs.
 - Schools must maintain documentation on training provided and lists of participants.

Data Collection and Review of All Instances of Emergency Safety Intervention

- District policy must establish a system by which documentation of each use of emergency safety intervention, for all students for which the district is responsible, is collected and maintained.
- District policy must establish a procedure by which each school will periodically review the use of emergency safety interventions for all students for which each school is responsible.
- Information maintained by each school on the use of emergency safety intervention must be compiled and submitted, at least biannually, to the district superintendent or superintendent's designee.

Reporting of Emergency Safety Intervention Incidents to KSDE

- Reports to KSDE must be submitted at the student level and include:
 - KIDS ID number
 - Whether the student had an IEP at the time of the incident
 - Whether the student had a 504 plan at the time of the incident
 - Whether the student had a BIP at the time of the incident
 - Date of incident
 - Type of incident (seclusion or physical restraint)
 - Duration of incident

Where Do I Go For Resources?



www.ksdetasn.org



[www.ksde.org/
Default.aspx?tabid=524](http://www.ksde.org/Default.aspx?tabid=524)

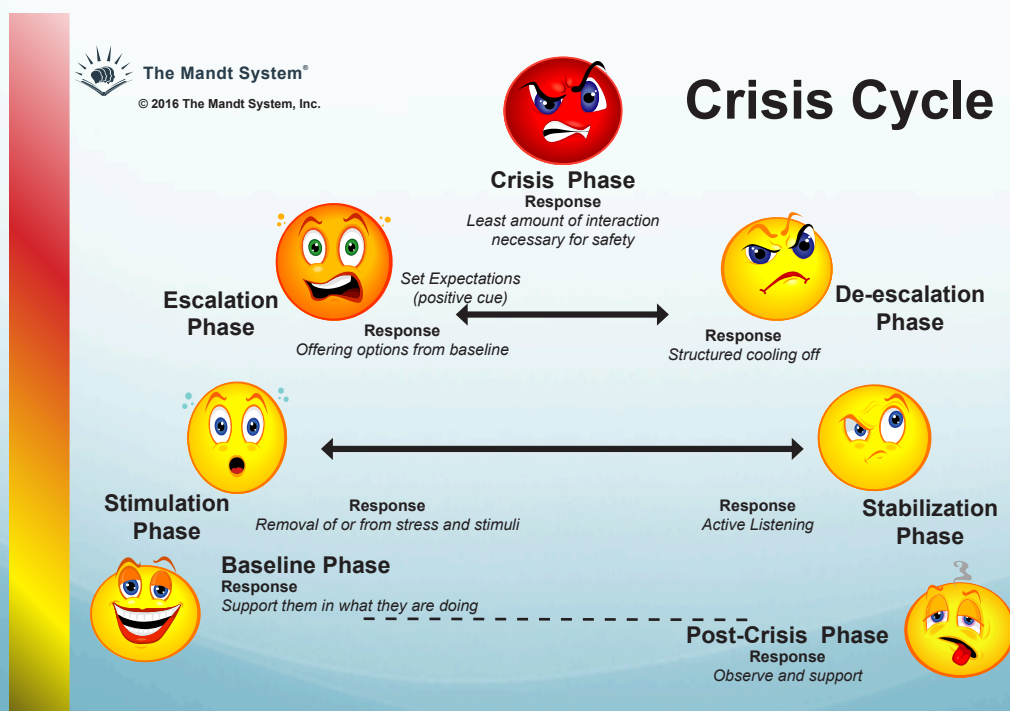
- Emergency safety intervention statutes and regulations
- Flyer or bookmark for staff with requirements
- Sample letter to send to a parent after an incident
- Informational packet to distribute to parents after an incident
- Parent designation of preferred method of contact for emergency safety intervention incident and same-day notification form
- Sample incident documentation form for staff
- Documentation of medical condition form
- PowerPoint of 2016 changes to statutes and regulations
- PowerPoint for staff training on de-escalation
- Information on reporting emergency safety intervention data to KSDE
- A form that parents may use to request administrative review from the Kansas State Board of Education
- Emergency safety intervention data analysis
- Updates are sent out regularly on many KSDE listservs (special education directors', superintendents', principals', and Early Childhood, Special Education, and Title Services)

A Focus on Prevention

- KSDE does not promote the use of emergency safety intervention with any student.
- KSDE recommends a focus on prevention because there are REAL DANGERS when using emergency safety intervention.
- Emergency safety intervention is **not** part of a tiered intervention plan – it is **ONLY** to be used in an **EMERGENCY**.
- Emergency safety interventions are reactive strategies and do not decrease the likelihood of a behavior from occurring.

A Focus on Prevention

- Focus on using proactive strategies to support students, including positive behavior interventions and supports.
- De-escalation is helpful to begin to identify acting out behavior early and use proactive strategies to decrease the use of seclusion and restraint.



A Focus on Prevention

- Emergency safety interventions should not be a planned intervention for a specific student under foreseeable circumstances.
- Behavior intervention plans should focus on the results of functional behavior assessments and teaching replacement behavior.
- If you are planning for it, it means you can see it coming. **If you can see it coming, every effort should be made for prevention.**

Take Away Point: If you use an Emergency Safety Intervention, you must

1. Document it.
2. Notify parents.
3. Learn from it – use the debriefing protocol.
4. Seek training on how to implement tiers of prevention and intervention.

Contact Information

- For more information:
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(785) 295-3089

Or

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