

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

**Department of Student Services
Jaime Callaghan, Assistant Director of Student Services
785-339-4058**

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Department of Student Services
Auburn-Washburn USD 437
Procedural Standards for Use of Emergency Safety Interventions (ESI)

I. Purpose

The Department of Student Services of Auburn Washburn USD 437 has prepared written guidance for practice for school personnel to ensure that these Emergency Safety Interventions (ESI) are implemented in accordance with the law. Board of Education policy developed pursuant to this regulation will be accessible on each school's website, and will be published in the student handbook, to provide annual access to parents.

The purpose of Emergency Safety Interventions (ESI) policies for all students:

- Promote safety and prevent harm to students, school personnel, and visitors.
- Foster a climate of dignity and respect in the use of discipline and behavior management techniques.
- Provide school personnel with clear guidelines about the use of seclusion and restraint in response to emergency situations.
- Provide parents/guardians information about state guidelines and district policies related to the use of discipline, behavior management, behavior interventions, and responses to emergency situations.
- Promote the use of non-aversive behavioral interventions, including positive behavior support techniques.

II. Use of Emergency Safety Interventions:

An ESI is the use of seclusion or physical restraint. ESI shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others. 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 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 the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

III. Physical Restraint

"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).

IV. Seclusion

"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 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.

V. Additional Terms

"Time Out" means removing a student for a short time to an environment where access to positive reinforcement is unavailable and/or to provide the student with an opportunity to regain self-control, in a setting from which the student is not physically prevented from leaving. Time-out may be used with any student as part of a class-wide or individual positive behavior support plan. Timeout lies within a continuum of procedures that help the student self-regulate and control their behavior. The timeout continuum is:

- planned ignoring; the systematic withdrawal of social attention of a limited time period upon the onset of mild levels of problem behavior.
- withdrawal of materials; materials that the student is using are removed upon the occurrence of the inappropriate behavior.
- contingent observation; student remains in a position to observe the group without participating or receiving reinforcement for a limited period of time.
- exclusionary timeout; student is removed from the immediate instructional setting in response to behavior that requires immediate and direct cessation. This form of timeout can take place within the same classroom or in a nearby location that can be supervised by an adult.

“Physical Escort” means temporarily touching or holding the hand, wrist, arm, shoulder, or back of a student for the purpose of inducing the student to walk to a safe location.

“Positive Behavior Support Plan (PBS Plan)” is the design, implementation and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction to produce improvements in behavior through skill acquisition and generalization and the reduction of problematic behavior. A structured plan to support a student’s behavior can be used for any student. A general education student may have a positive behavior support plan that is part of a Student Intervention Team (SIT) process. A student receiving special education may have a plan that is part of his or her Individual Education Plan (IEP).

“Functional Behavior Assessment (FBA)” is a systematic process for identifying the events that trigger and maintain problem behavior in an educational setting. A Functional Behavior Assessment will describe specific problematic behaviors, report the frequency of the behaviors, assess environmental and other setting conditions where problematic behaviors occur, and identify the factors that are maintaining the behaviors over time.

“Emergency Situation” is an incident-specific occasion that does not represent a student’s typical behavior. In an emergency there is no prior indication that restraint or seclusion might be a necessary intervention. Once a potential pattern of behavior emerges it should not be considered an emergency situation, and the focus should shift to prevention.

“PBIS Team” means a team of staff members in a building trained in Nonviolent Crisis Intervention® as well as other behavioral interventions who support the social/emotional needs of students. This team may include the building principal, school counselor, school psychologist, special education teachers, general education teachers and/or social worker. A building PBS team should include at least 3 staff members. One person from each building team should be designated as the PBS team leader and may be asked serve on the district PBS team.

VI. Guidelines and Training

Physical restraint and/or seclusion are only permitted as an emergency safety intervention if a student presents an immediate danger to self or others. Emergency Safety Interventions should generally only be used as a last resort when other less restrictive interventions would not be effective and the student’s behavior poses a threat of imminent, serious, physical harm to the student or others.

Parents must be notified in writing within 1 day of any use of restraint or seclusion. The attempts to notify the parent must include two different methods. USD 437 district recommends that school staff call parents, or emergency contact if parent cannot be reached, the same day of the incident and provide written notification. The use of physical restraint and/or seclusion in these circumstances is permitted only for as long as the student’s

behavior poses a threat of imminent, serious physical harm to the student or others, and only when the student's behavior is more dangerous than the danger of using restraint (Crisis Prevention Institute, Inc. 2005).

As required by State regulation, the Auburn Washburn School District provides for the ongoing training and certification of staff members. The district will provide a continuum of training for staff that is appropriate to the duties and level of need associated with different positions. All staff will receive training designed to meet their specific needs, based on their potential to use an ESI, and based on review of the ESI data at building and district level. Training is consistent with nationally recognized training programs and shall address prevention techniques, de-escalation techniques, and positive intervention strategies. For staff members requiring the highest level (most restrictive level of techniques) of training, the district has selected the Nonviolent Crisis Intervention Training Program as offered by the Crisis Prevention Institute (CPI):

- **Philosophy:** Providing a balanced behavior management system while maintaining care, welfare, safety and security for both the student and staff.
- **Training:** Involves two day initial training, or one day refresher. The focus of the program is on de-escalation.
- **Certification:** Certified instructors of CPI maintain their certifications on a 4-year cycle. Each year, instructors must teach a minimum of 18 hours (2 formal programs) and pay an annual membership fee. In the second year, the instructor is to take an online exam at no cost. In the fourth year, instructors are expected to attend one of six different qualifying renewal programs including written and physical competency testing on the CPI program.
- **Methodology:** Provides a holistic system for defusing escalating behavior and safely managing physically aggressive behavior. CPI methods focus on effective communication and an understanding of human physiology during aggressive moments (www.crisisprevention.com).

A bi-annual review of the usage of physical restraint and seclusion in the district should be conducted and documented to ensure that restraint and seclusion are used in accordance with the district's policies and procedures. This review will be conducted at the building and district levels.

The district shall investigate all complaints regarding the use of restraint and seclusion practices as per district policy. This does not preclude complaints under other applicable provisions. Parents may also file a complaint under the state board of education process within 30-days from the date of ESI notification.

The following procedures are prohibited under all circumstances including emergency situations:

- Mechanical restraint as defined as the use of any device or material attached to or adjacent to a student's body that restrict normal freedom of movement and which cannot be easily removed by a student. Mechanical restraint does not include an adaptive or protective device recommended by a physician or therapist (when it is used as recommended), safety equipment used by the general student population (for example, seat belts, safety harness on school transportation) or a device used by a law enforcement officer, campus police officer, or school security office in carrying out law enforcement duties.
- Chemical restraint as defined as the administration of medication for the purpose of restraint. Chemical restraint does not apply to medication prescribed by and administered in accordance with the directions of a physician or licensed healthcare

professional for treatment of condition.

- Mechanically locked doors that prevent a student from leaving a time out area and/or seclusion room.
- The use of prone (face-down) or supine (face-up) physical restraint.
- Any restraint that negatively impacts breathing (obstructs airway), deprives student of basic needs, or impacts the student's primary mode of communication.
- The intentional application of any noxious substance(s) or stimuli which results in physical pain or extreme discomfort.
- 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.

VII. Procedures

- A. Each building should appoint members to a building-level PBS team. At least one member of the PBS team should be currently certified in Nonviolent Crisis Intervention® and may serve as the building PBS team leader. Other team members may include special education teachers, general education teachers, support staff and/or the building principal. Teams may have 3-5 members. Building PBS team leaders, or their designee should represent their building on the district PBS team. At least one (1) time 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 each instance.
- B. When Emergency Safety Interventions are used, documentation of the incident, the intervention used, and parent notification of this information are required. Forms to document the ESI, parent notification, ESI time log, and incident debriefing (required for special education ESI) will be utilized.
- C. Guidelines for the use of Emergency Safety Interventions are the same for both general education and special education students. It is not recommended that positive behavior support plans include the use of Emergency Safety Interventions. Positive behavior support plans should include prevention, instruction, and/or de-escalation strategies. It is understood that Emergency Safety Interventions would be employed only in an emergency situation for any student and would not be considered part of an individualized plan.
- D. If a student demonstrates a pattern of behavior that requires Emergency Safety Interventions, school staff is encouraged to consult with district behavior support staff. A functional behavior assessment or analysis may be completed to inform proactive steps to supporting the student and preventing further escalations in behavior.
- E. If a student with an IEP or 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 10 calendar days following the third (3) incident to discuss the incident and consider the need to conduct a

Functional Behavioral Assessment, develop a Positive Behavioral Support Plan or amend the Positive Behavioral Support Plan if already in existence, unless the IEP team or Section 504 team has agreed on a different process.

- F. Only staff current in the required training in accordance with the district designated Emergency Safety Intervention training program will implement physical restraint or seclusion with a student.
- G. In an emergency, a school administrator, teacher, or other trained school employee may use emergency safety intervention as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property.
- H. Staff will continuously monitor and document a student's status during any Emergency Safety Intervention (use ESI Log).
- I. Any room used for seclusion of a student will allow staff to view the student in all areas of the room. The room must be free of potentially hazardous conditions such as unprotected light fixtures and electrical outlets. The room must have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located and should be equipped with heating, cooling, ventilation and lights systems that are comparable to the systems that are in the use in the other rooms of the building in which it is located. Trained staff members who are monitoring the student may hold the door to prevent the student from leaving. To minimize the potential for injury, a free-swinging drop bar may be used. The bar is not designed to latch or secure across the door. No modifications to this bar shall be made. No mechanical locks shall be used.
- J. A student with a disability should not be placed in a seclusion room if the student is known to have any medical condition that a licensed health care provider has indicated, in a written statement, that is provided to the school and that is on file with the school and precludes this action. In this situation, a copy of said notice should be placed in the student's IEP folder at the Shuler Education Center, the Case Manager's working file and with the school nurse.
- K. Parents will be provided written notification (use Parent Notification of Emergency Safety Intervention) by the school staff following the use of physical restraint or seclusion, by the end of the day the incident occurred. Parents must be notified same day, if they cannot be reached it is imperative that school staff utilize two different attempts to communicate. "Parent" means a natural parent; an adoptive parent; a person acting as a parent as defined in K.S.A. 72-1046(d)(2), and amendments thereto; a legal guardian; an education advocate for a student with an exceptionality; or a student who has reached the age of majority or is an emancipated minor.
- L. All incidents of ESI must be documented in Infinite Campus, under the behavior management tab. Information maintained by the school on the use of ESI must be compiled and will be submitted twice a year from IC to the superintendent/designee for review. School administration is encouraged to review the data as frequently as necessary to ensure familiarity with the incidents occurring. Schools and district

level personnel training will be determined based on review of data, and needs of staff and students.

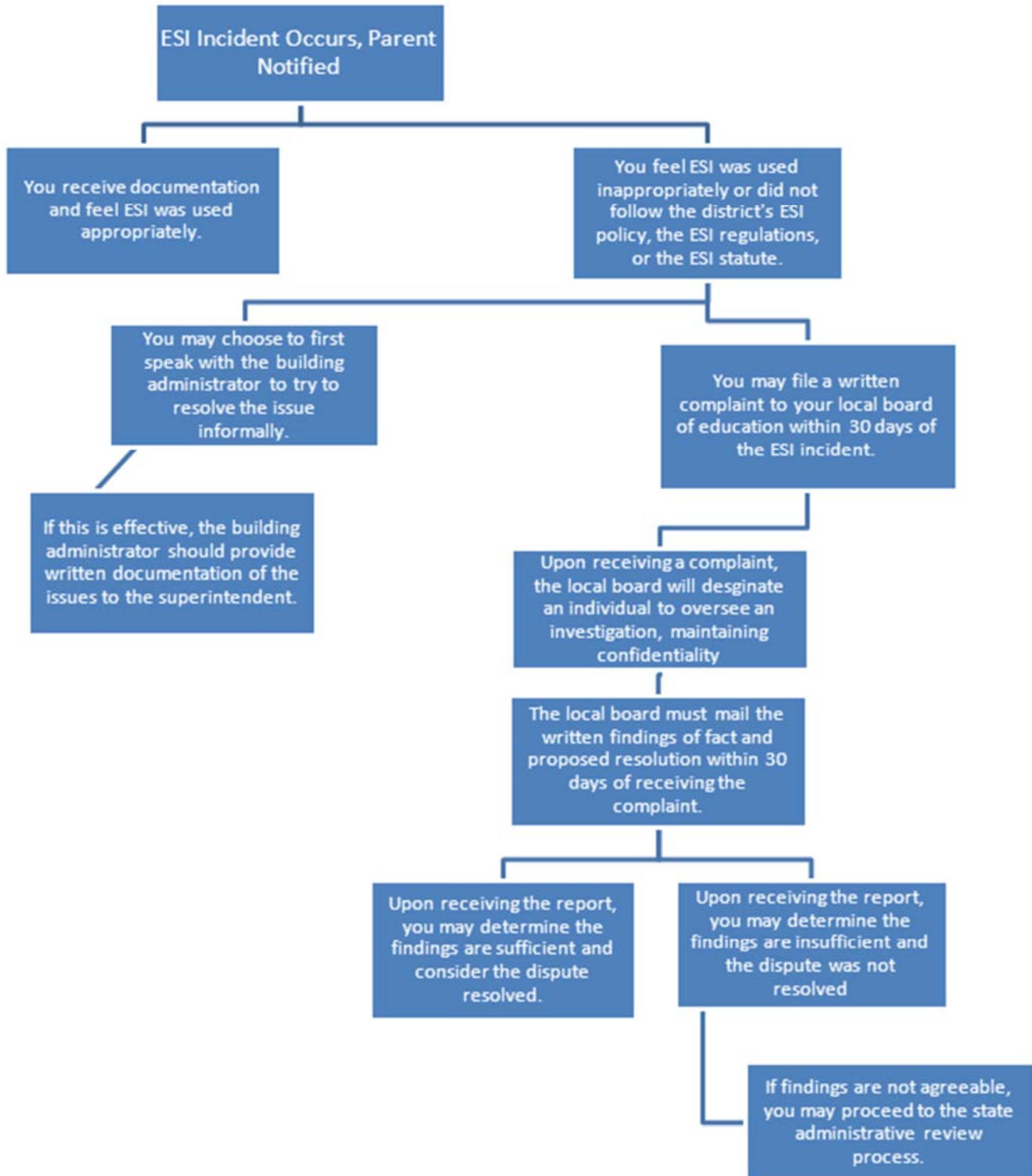
- M. A copy of the ESI Report/Parent Notification should be sent to the building administrator/designee, PBS team leader, and to the IEP case manager, if the student is in special education, as soon as possible following the ESI. This information is considered by the state as part of the student's educational record, which parents may view upon request.
- N. It is essential to encourage the parent to meet with the school staff to debrief the ESI incident and discuss the prevention of a future ESI event. The Emergency Safety Intervention Report will be discussed during the debriefing meeting to facilitate the review of each incident of seclusion or restraint. It is recommended that the meeting include the parent, staff members who were involved in the incident, at least one member of the building PBS team, and the special education case manager, if relevant.
- O. The district PBS team should meet quarterly to review all reports and to ensure that district procedures are being followed. The district team will prepare a summary report to the Director of Student Services.
- P. A bi-annual report will be submitted via Kansas Integrated Accountability System (KIAS) to the State Director of Special Education. Information included in the report:
 - a. The number of students placed in seclusion or restraint during the reporting period.
 - b. The maximum amount of minutes any student was in seclusion or restraint on a single occasion (each ESI is reported separately).
 - c. The number of times during a single day any student was placed in seclusion or restraint.

VIII. Local Dispute Resolution Process

According to Auburn-Washburn USD 437 Board of Education Policy, if there is a dispute and the issues are not resolved informally with the building administrator and/or superintendent, and/or his/her designee, 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. The investigator may be a board member, a school administrator selected by the board, or a board attorney. The assigned 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. A written record of findings of fact and proposed resolution will be mailed within 30 days of receiving the complaint. If findings are not agreeable, you may proceed to the state administrative review process.

VIII. Local Dispute Resolution Guide for Parents



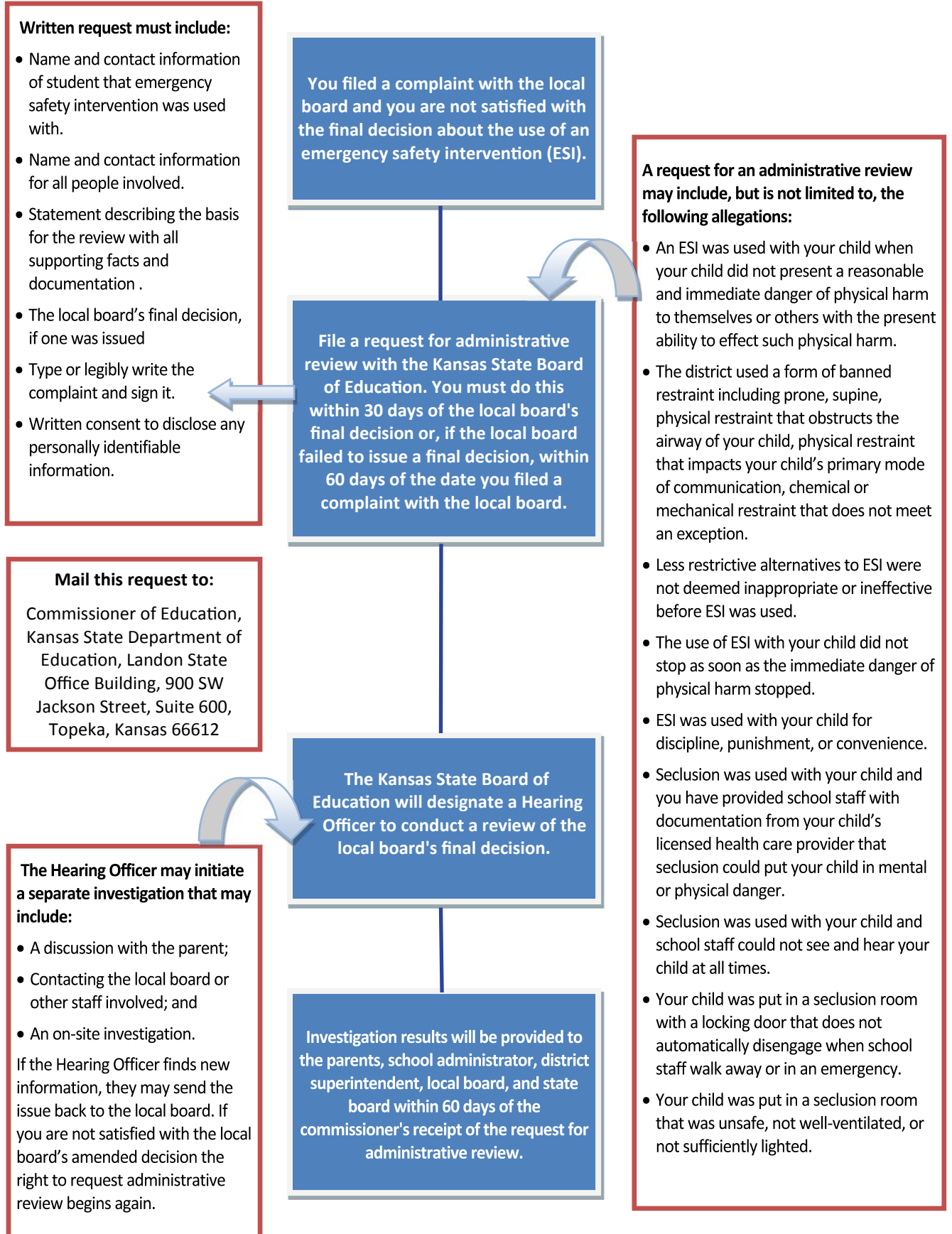
IX. State Board Administrative Review Process

Refer to K.A.R. 91-42-5 for complete information. The following provides a summary of the regulations regarding an administrative review initiated with the Kansas State Board of Education (KSBE).

- If a parent believes an emergency safety intervention was used in violation of K.S.A. 2016 Supp. 72-89d01 through -89d09 or K.A.R. 91-42-1 through -7 and the parent filed written complaint with their local board of education, then this parent may request an administrative review of the local board's decision from KSBE.
 - ◆ The request for administrative review must include the following information:
 - ◇ Name of the student and contact information;
 - ◇ Names and contact information for all involved parties (teachers, aides, administrators, and district staff), to the extent known;
 - ◇ A detailed statement of the reason for requesting an administrative review;
 - ◇ Any supporting facts and documentation; and
 - ◇ A copy of the complaint filed with the local board, the local board's final decision (if issued).
 - ◇ The written request for administrative review must be typed or legibly written and signed by the parent.
 - ◇ Relevant documents must be attached or, if unavailable, the documents must be referenced in the request for administrative review.
 - ◇ Written consent to disclose any personally identifiable information from
 - ◇ the student's education records necessary to conduct an investigation
- The request for administrative review must be filed with the Commissioner of Education within 30 days of the local board issuing its final decision OR within 60 days from the date the parent filed a complaint with the local board, if the local board did not issue a final decision. You may mail this request to the Kansas State Department of Education, Landon State Office Building, 900 SW Jackson Street, Office of General Counsel, Room 102, Topeka, Kansas 66612.
- A Hearing Officer will be designated by KSBE. The Hearing Officer must send a copy of the request for administrative review to the local board.
- The Hearing Officer will consider the local board's final decision and may initiate an investigation that could include:
 - ◆ A discussion with the parent, during which additional information may be gathered;
 - ◆ Contact with the local board or other district staff to allow the local board to respond to the request with information supporting its final decision; and
 - ◆ An on-site investigation by Kansas State Department of Education staff.

- If new information is discovered that was not made available to both the parent and the local board during the dispute resolution process, the Hearing Officer may send the issue back to the local board.
 - ◆ If sent back to the local board, the Hearing Officer's case will be closed and the local board has 30 days to issue a written amended final decision.
 - ◆ If the parent feels the local board's amended final decision does not adequately address the issue, the parent may file a new request for administrative review with the commissioner by following the above process for requesting administrative review. This must be done within 30 days of the local board issuing its amended final decision. If the local board does not issue an amended final decision within 30 days, then the parent has 30 days from the date the Hearing Officer sent the issue back to the local board to file a request for administrative review with the commissioner.
- Within 60 days of receiving the request for administrative review, the Hearing Officer will, in writing, inform the parents, school administrator, district superintendent, local board clerk, and the state board of the results of the review. This time frame may be extended for good cause upon approval of the commissioner.
- The results of the administrative review will contain findings of fact, conclusions of law, and any suggested corrective actions. The Hearing Officer's determination will include one of the following:
 - ◆ The local board appropriately resolved the complaint.
 - ◆ The local board should re-evaluate the complaint with suggested findings of fact.
 - ◆ The Hearing Officer's suggested corrective active is necessary to ensure that local board policies meet legal requirements.

X. State Board Administrative Review Guide For Parents



XII. Additional Parent Resources

Auburn-Washburn USD 437, ESI Resources

<http://usd437.net/pdfs/esi-parent-information-packet.pdf>

Auburn-Washburn USD 437, Department of Student Services

Jaime Callaghan

callajai@usd437.net

785-339-4058

Auburn-Washburn USD 437, Clerk of the Board of Education

Denise Taylor

tayloden@usd437.net

785-339-4000

General ESI Information:

<http://ksdetasn.org>

ESI Questions:

Laura Jurgensen

Kansas State Department of Education (KSDE)

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

Emergency Safety Interventions (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.

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@families-together-inc.org

Wichita Parent Center- 1-888-815-6364
wichita@families-together-inc.org

Garden City Parent Center- 1-888-820-6364
gardencity@families-together-inc.org



Kansas Parent Information Resource Center

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
www.ksdetasn.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 are used when the student presents a reasonable and immediate danger to self or others.

What is Seclusion?

Seclusion means 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 other adults and peers; and,
3. 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 the same as seclusion. Time-out is when a student is temporarily removed from the learning activity, but is not confined.

What is Restraint?

Restraint can take form in different ways. **Mechanical restraint** is defined as any device or object used to limit a person'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. A student may take prescribed treatments for a medical or psychiatric condition when they are prescribed by a person who is properly licensed to prescribe medication.

Consensual, solicited, or unintentional contact and contact to provide comfort, assistance, or instruction is not physical restraint.

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 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

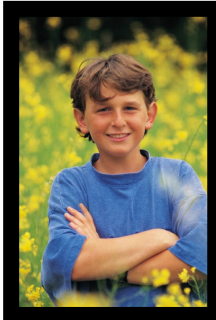
A replacement behavior is when a student replaces an inappropriate behavior with an appropriate one that continues to serve the same function for the student. When selecting replacement behaviors, the team should address the following questions:

- 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.

Functional Behavioral Assessments

All behaviors are functional 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 can help teams determine the when, where, how and why problematic behavior occurs. A comprehensive assessment includes interviews, record reviews, observation and data collection, graphing data collected, testing hypotheses, curriculum analysis, implementation of interventions and evaluation of effectiveness of the plan. Assessments 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. 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 (BIP) should be positive and instructive and based upon a functional behavioral assessment. A BIP should address:

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

TIP

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.

When May Emergency Safety Intervention be Used?

- May only be used when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to cause physical harm.
- Less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any ESIs.
- The use of ESI must stop as soon as the immediate danger of physical harm ends.
- ESI cannot be used is used for purposes of discipline, punishment, or for the convenience of a school employee.
- A student may 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 this medical condition must be indicated in a written statement from the student's licensed health care provider that is provided to the school and is placed in the student's file. Note that this exception does not apply to restraint.
- Violent destruction of property may also prompt the use of ESI.



What are the Requirements for Seclusion?



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

All seclusion rooms that have a locking door must be designed to make sure that the lock automatically disengages when the school employee watching 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 with proportional and similar characteristics as other rooms where students frequent. A seclusion room must be free of anything that could be a danger to the student and must be well-ventilated and sufficiently lighted.

When Must a Parent be Notified an ESI has been Used?

- The school must notify the parent the same day the ESI was used. If the parent cannot be notified, then the school must notify an emergency contact person for the student.
- Documentation of the ESI used must be completed and provided to the parent by the school day following the day on which the ESI was used.
- The parent must be provided with the following information in writing after the first ESI incident in a school year and provided with this information after subsequent ESI incidents through a web address that contains this information:
 - A copy of the standards of when ESI can be used;
 - A flyer on the parent's rights under ESI law;
 - Information on the parent's right to file a complaint through the local dispute resolution process and the complaint process of the Kansas State Board of Education; and
 - Information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas.



Requirements if there is a Third ESI Incident with a Student within a School Year

If there is a third ESI incident within a school year on a student with an IEP or a Section 504 plan, then the student's IEP or Section 504 team must meet within 10 days after the incident to discuss the incident and consider the need to conduct a functional behavioral analysis (FBA), develop a behavior intervention plan (BIP), or amend the student's BIP if the student already has one. These requirements must be followed unless the student's IEP or Section 504 team agrees on a different process.



If there is a third ESI incident within a school year on a student without an IEP or a Section 504 plan, then the student's parent and school employees must meet within 10 days after the incident to discuss the incident and consider the appropriateness of a referral for a special education evaluation or the need for a FBA or BIP. The school employees involved in this meeting must include a school administrator for the school where 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 to attend the meeting.

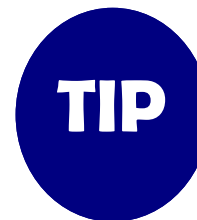
The student must be invited to any of the meetings referred to previously in this section.

The meetings referred to in this section may be extended beyond the 10-day requirement if the parent of the student is unable to attend within that time period.

What Can I Do if I Feel that ESI has been Used Inappropriately with My Child?

If a parent believes that ESIs have been used that violate the ESI statute, ESI regulations, or the district's ESI policy, then the parent may file a complaint through the local dispute resolution process within 30 days of the use of ESI.

A parent may file a complaint through the Kansas State Board of Education's complaint process within 30 days from the date that a parent receives a final decision through the local dispute resolution process or after 30 days have passed since the parent filed a complaint through the local dispute resolution process, if the parent has not received the local board's final decision.



If your child has a history of seclusion and restraint or challenging behavior, he or she could be eligible for additional supports and interventions. Parents are welcome to contact Families Together, Inc. to discuss possible options.