



EMERGENCY SAFETY INTERVENTIONS (ESI)

Lakemary School

Lakemary Center

100 Lakemary Drive

Paola, Kansas 66071

913-557-4000

*Parent
Information*

2023-2024

Dear Parents and Guardians:

Lakemary School is committed to maintaining a positive and safe learning environment for all students. In the event a student presents a reasonable and immediate danger of physical harm to themselves or others, Emergency Safety Interventions may be implemented. An Emergency Safety Intervention is the use of seclusion or physical restraint.

Upon the first use of an Emergency Safety Intervention in a school year, schools are required to give parents a printed copy of the following information.

- The standards for when Emergency Safety Intervention may be used (*Paola School Board Policy GAAF – Emergency Safety Interventions*)
- A flyer on your rights under Emergency Safety Intervention law (*A Family Guide to the Use of Seclusion and Restraint*)
- Information on your right to file a complaint with the local Board of Education
- Information on your right to request administrative review from the Kansas State Board of Education
- Information to assist you in navigating these processes.
- Contact information for Families Together and the Disability Rights Center (See Contacts section)

Please do not hesitate to contact me at 913-557-4000 if you have any questions.

In Education,

Troy Collier

Troy Collier

Principal

Lakemary School

GAAF Emergency Safety Interventions (See GAO, JRB, JQ, and KN) GAAF

The board of education is committed to limiting the use of Emergency Safety Interventions (“ESI”), such as seclusion and restraint, with all students. Seclusion and restraint shall be used only when a student’s conduct necessitates the use of an emergency safety intervention as defined below. The board of education encourages all employees to utilize other behavioral management tools, including prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.

This policy shall be made available on the Lakemary Center website at www.lakemary.org with links to the policy available on individual school pages. In addition, this policy shall be included in Day Student Parent Handbook.

Definitions (See K.A.R. 91-42-1)

“Emergency Safety Intervention” is the use of seclusion or physical restraint. “Seclusion” means placement of a student in a location where all of the following conditions are met: (1) the student is placed in an enclosed area by school personnel; (2) the student is purposefully isolated from adults and peers; and (3) the student is prevented from leaving, or reasonably believes that he or she will be prevented from leaving the enclosed area.

“Chemical Restraint” means the use of medication to control a student’s violent physical behavior or restrict a student’s freedom of movement.

“Mechanical Restraint” means any device or object used to limit a student’s movement.

“Parent” means: (1) a natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-1046(d)(2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; or (6) a student who has reached the age of majority or is an emancipated minor.

“Physical Restraint” means bodily force used to substantially limit a student’s movement, except that consensual, solicited or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.

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

“Time-out” means a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.

Prohibited Types of Restraint

Lakemary School employees will not engage in the following actions with all students:

- Using face-down (prone) physical restraint
- Using face-up (supine) physical restraints
- Using physical restraint that obstructs the student's airway
- Using physical restraint that impacts a student's primary mode of communication
- Using chemical restraint, except as prescribed by a licensed healthcare professional for treatment of a medical or psychiatric condition
- Use of mechanical restraint, **EXCEPT**
 - Protective or stabilizing devices required by law or used in accordance with an order from a licensed healthcare professional
 - Any device used by law enforcement officers to carry out law enforcement duties
 - Seatbelts and other safety equipment used to secure students during transportation

Use of Emergency Safety Interventions

ESI shall be used only when a student presents a reasonable and immediate danger of physical harm to themselves or others and has the present ability to affect such physical harm. Emergency Safety Interventions shall be used when less restrictive alternatives, such as positive behavior interventions support, are 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.

Seclusion Restrictions

A student shall not be subjected to seclusion if the student is known to have a medical condition that could put the student in mental or physical danger as a result of seclusion. The existence of such a 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 always see and hear the student. 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 a room shall be free of any condition that could be a danger to the student and shall be well-ventilated and sufficiently lighted.

Training

All staff members shall be trained regarding the use of positive behavioral intervention strategies, de-escalation techniques, and prevention techniques. Such training shall be consistent with nationally recognized training programs on the use of emergency safety interventions. The intensity of the training provided will depend upon the employee's position. Administrators, licensed staff members, and other staff deemed most likely to need to restrain a student will be provided more intense training than staff who do not work directly with students in the classroom. District and building administration shall make the determination of the intensity of training required by each position.

Each school building shall maintain documentation regarding the training that was provided and a list of participants.

Notification and Documentation

The principal or designee shall notify the parent, or if a parent cannot be notified then shall notify an emergency contact person for such student, the same day the ESI was used.

Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day on which the ESI was used. The parent shall be provided the following information after the first and each subsequent incident in which an ESI is used during each school year: (1) a copy of this policy which indicates when ESI can be used; (2) a flyer on the parent's rights; (3) information on the parent's right to file a complaint through the local dispute resolution process (which is set forth in this policy) and, once it has been developed, the complaint process of the state board of education; and (4) information that will assist the parents in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas. Upon the first occurrence of an incident involving the use of emergency safety interventions, the foregoing information shall be provided in printed form and upon the occurrence of a second or subsequent incident shall be provided through a full website address containing such information.

In addition, each building shall maintain documentation any time ESI is used with a student. Such documentation must include all of the following:

- Date and time of the intervention
- Type of Intervention
- Length of time the intervention was used
- School personnel who participated in or supervised the intervention

All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent on at least a biannual basis. At least once per school year, each building principal or designee shall review the documentation of ESI incidents with appropriate staff members to consider the appropriateness of the use of ESI in those instances.

Reporting Data

District administration shall report ESI data to the state department of education as required.

Three (3) Incidents of ESI for Same Student

If a student with an IEP or a Section 504 plan has three incidents of ESI in a school year, then such student's IEP team or Section 504 team shall meet within ten (10) days following the third incident to discuss the incident and consider the need to conduct a functional behavioral assessment, develop a behavior intervention plan or amend the behavior intervention plan if already in existence, unless the IEP team or Section 504 team has agreed on a different process.

If a student without an IEP or Section 504 plan has three incidents of ESI in a school year, then the school staff and the parent shall meet within ten (10) days following the third incident to discuss the incident and consider the appropriateness of a referral for a special education evaluation, the need for a functional behavioral assessment, or the need for a behavior intervention plan. Any such meeting shall include the student's parent, a school administrator for the school the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for such meeting. The student who is the subject of such meetings after a third ESI incident shall be invited to attend the meeting. The time for calling such a meeting may be extended beyond the 10-day limit if the parent of the student is unable to attend within that time period. Nothing in this section shall be construed to prohibit the development and implementation of a

functional behavior assessment or a behavior intervention plan for any student who has not had three ESI incidents in a school year.

Local Dispute Resolution Process

The board of education encourages parents to attempt to resolve issues relating to the use of ESI informally with the building principal and/or the superintendent before filing a formal complaint with the board. In the event that the complaint is resolved informally, the administrator must provide a written report of the informal resolution to the superintendent and the parents and retain a copy of the report at the school. The superintendent will share the informal resolution with the board of education and provide a copy to the state department of education.

If the issues are not resolved informally with the building principal and/or the superintendent, the parents may submit a formal written complaint to the board of education 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. Such an investigator may be a board member, a school administrator selected by the board, or a board attorney. Such an 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.

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 a 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
- A copy of the complaint filed with the local board, the local board's final decision
- The written request for administrative review must be typed or legibly written and signed by the parents
- 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 investigate

Contact Information

Lakemary School ESI Contacts

Kirk Davis
CEO/President
Lakemary Center
Kirk.Davis@lakemary.org
913-557-4000

Troy Collier
Principal
Lakemary School
Troy.Collier@lakemary.org
913-557-4000

Lindsey Schultz
School Social Worker
Lindsey.Schultz@lakemary.org
913-557-4000

Rebecca Woolbert
Behavior Specialist
Lakemary School
Rebecca.Woolbert@lakemary.org
913-557-4000

Protection and Advocacy System

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

Kansas Department of Education (KSDE) ESI Information and Contacts

Technical Assistance System
Network (TASN)
General ESI Information:
<http://ksdetasn.org/tasn/emergencysafetyinterventions-esi-resources>

Laura Jurgensen
KSDE Legal Counsel
ljurgenson@ksde.org
785-296-5522

Parent Training and Information Center

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

Families Guide to the Use of
Emergency Safety Interventions
(Seclusion and Restraint) in
Kansas
<http://famiestogetherinc.org/index.php/who-i-am/links-by-topic/topics-starting-with-d-f/emergency-safety-intervention-esi/>

Parental Rights

The attached flier, A Family Guide to the Use of Emergency Safety Interventions (Seclusion and Restraint) in Kansas published by Families Together, provides the various Parent Rights as they relate to ESI.

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.org

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

Garden City Parent Center- 1-888-820-6364
gardencity@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
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

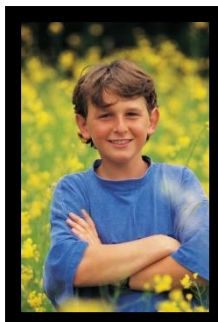
A replacement behavior is when a student replaces an inappropriate behavior with an appropriate one that continues to serve the same function for the student. When selecting replacement behaviors, the team should address the following questions:

- 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 anytime 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.

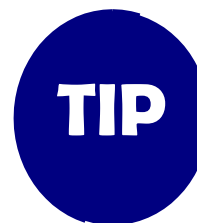
The student must be invited to any of the meetings referred to previously in this section.

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.