



Lakemary Center
100 Lakemary Drive
Paola, Kansas 66071
913-557-4000

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 (*State Process will be available no later than 3/1/16*)
- Information to assist you in navigating these processes. (*State Process will be available no later than 3/1/16*)
- 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,

Marcy Seaman

Marcy Seaman, M.Ed, M. SpecEd

Director of Special Education/Principal

Lakemary School

BOARD POLICY

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

The board of education is committed to limiting the use of Emergency Safety Intervention (“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 district website with links to the policy available on any individual school pages.

In addition, this policy shall be included in at least one of the following: each school’s code of conduct, school safety plan, or student handbook. Notice of the online availability of policy shall be provided to parents during enrollment each year. Definitions “Campus police officer” means a school security officer designated by the board of education of any school district pursuant to K.S.A.

72-8222, and amendments thereto. “Chemical Restraint” means the use of medication to control a student’s violent physical behavior or restrict a student’s freedom of movement. “Emergency Safety Intervention” is the use of seclusion or physical restraint, but does not include physical escort or the use of time-out.

“Incident” means each occurrence of the use of an emergency safety intervention. “Law Enforcement officer” and “police officer” mean a full-time or part-time salaried officer or employee of the state, a county, or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.

“Legitimate law enforcement purpose” means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer’s appointing authority. “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; (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor. “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. “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. "School resource officer" means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district. "School security officer" means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

"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. "Time-out" means a

behavioral intervention in which a student is temporarily removed from a learning activity without being secluded. Prohibited Types of Restraint All staff members are prohibited from engaging in the following actions with all students:

- Using face-down (prone) physical restraint;
- Using face-up (supine) physical restraint;
- Using physical restraint that obstructs the student's airway;
- Using physical restraint that impacts a student's primary mode of communication;
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Using chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue such treatments; and

- Use of mechanical restraint, except:
 - o Protective or stabilizing devices required by law or used in accordance with an order from a person appropriately licensed to issue the order for the device;
 - o Any device used by a law enforcement officer to carry out law enforcement duties; or
 - o Seatbelts and other safety equipment when 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 such student or others with the present ability to effect such physical harm.

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. ESI Restrictions A student shall not be subjected to ESI if

the student is known to have a medical condition that could put the student in mental or physical danger as a result of ESI. 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. Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why ESI would put the student in mental or physical danger, and any suggested alternatives to ESI.

Notwithstanding the provisions of this subsection, a student may be subjected to ESI, if not subjecting the student to ESI would result in significant physical harm to the student or others. Use of Seclusion 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, 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 ESI. 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 written or electronic documentation regarding the training that was provided and a list of participants, which shall be made available for inspection by the state board of education upon request.

Notification and Documentation: The principal or designee shall notify the parent the same day of an incident. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contacting the parent. A parent may designate a preferred method of contact to receive the sameday notification. Also, a parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day. Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day of the incident. Such written documentation shall include: (A)

the events leading up to the incident; (B) student behaviors that necessitated the ESI; (C) steps taken to transition the student back into the educational setting; (D) the date and time the incident occurred, the type of ESI used, the duration of the ESI, and the school personnel who used or supervised the ESI; (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 scheduled meeting to discuss the incident and how to prevent future incidents; and (G) email and phone information for the parent to contact the school to schedule the ESI meeting. Schools may group incidents together when documenting the items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the ESIs is the same. The parent shall be provided the following information after the first and each subsequent incident 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, the complaint process of the state board of education; and (4) information that will assist the parent 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 of ESI, the foregoing information shall be provided in printed form or, upon the parent's written request, by email. Upon the occurrence of a second or subsequent incident, the parent shall be provided with a full and direct website address containing such information. Law Enforcement, School Resource, and Campus Security Officers Campus police officers and school resource officers shall be exempt from the requirements of this policy when engaged in an activity that has a legitimate law enforcement purpose. School security officers shall not be exempt from the requirements of this policy. If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the school shall notify the parent the same using the parent's preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth above, regarding law enforcement use of an emergency safety intervention, or report to the state department of education any law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs. Documentation of ESI Incidents: Except as specified above with regard to law enforcement or school resource officer use of emergency safety interventions, 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 ESI, • Type of ESI, • Length of time the ESI was used, • School personnel who participated in or supervised the ESI, • Whether the student had an individualized education program at the time of the incident, • Whether the student had a section 504 plan at the time of the incident, and whether the student had a behavior intervention plan at the time of the incident. All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent or the superintendent's designee 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. Parent Right to Meeting on ESI Use: After each 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. A school shall hold a meeting requested under this subsection within 10 school days of the parent's request. The focus of any such meeting shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future. For a student with an IEP or a Section 504 plan then such student's IEP team or Section 504 team shall 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. For a student with a Section 504 plan, such student's Section 504 plan team shall discuss and consider the need for a special education evaluation. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting. For a student without an IEP or Section 504 plan, the school staff and the parent shall 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 shall be invited to attend the meeting at the discretion of the parent. 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 if such student would benefit from such measures. Local

Dispute Resolution Process: If a parent believes that an emergency safety intervention has been used on the parent's child in violation of state law or board policy, the parent may file a complaint as specified below. 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. Once an informal complaint is received, the administrator handling such complaint shall investigate such matter, as deemed appropriate by the administrator. 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 incident. 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 of fact and recommended corrective action, if any, 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 and shall be mailed to the parents and the state department within 30 days of the board's receipt of the formal complaint. If desired, a parent may file a complaint under the state

board of education administrative review process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process.

Approved: KASB Recommendation – 6/13; 12/13; 6/15; 6/16 BOE Approved:
10/13; 7/14; 8/15; 8/16

Contact Information

Lakemary School ESI Contacts

Gianna Gariglietti
CEO/President
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913-557-4000

Amanda Martell, M. Ed
Vice President of Children Services
Lakemary School
amartell@lakemary.org
913-557-4000 x 1100

Marcy Seaman, M. Ed, M.SpecEd
Director of Special
Education/Principal
Lakemary School
mseaman@lakemary.org
913-557-4000 x 1101

Kansas Department of Education (KSDE) ESI Information and Contacts

Technical Assistance System Network
(TASN)

General ESI Information:

<http://ksdetasn.org/tasn/emergency-safety-interventions-esi-resources>

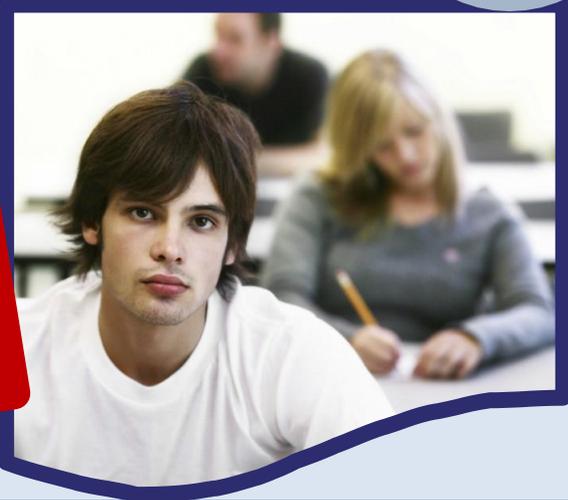
Laura Jurgensen
KSDE Legal Counsel
ljurgenson@ksde.org
785-296-5522

Protection and Advocacy System

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



**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 of physical harm 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. 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.

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.

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.

When May Emergency Safety Intervention be Used?

- May only be used when a student presents a reasonable and immediate danger of physical harm to self 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 for purposes of discipline, punishment, or for the convenience of a school employee.

Students with a known medical condition.

- 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.
- 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 shall be provided to the school and placed in the student's file.
- The written statement must include an explanation of the student's diagnosis, a list of any reasons why an emergency safety intervention would put the student in mental or physical danger and any suggested alternatives to the use of emergency safety interventions.
- An emergency safety intervention may still be used if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.

Parents should be proactive and provide the district with written documentation from their child's licensed health care provider outlining any medical condition that could put the student in mental or physical danger as a result of the ESI. You may use this form if you wish, <http://ksdeta.sn.org/resources/843>.



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 school is unable to contact the parent, the school shall attempt to contact the parent using at least two methods of contact.
- Written documentation of the ESI used must be completed and provided to the parent no later than the school day following the day on which the emergency safety intervention was used. Written documentation must include:
 - The events leading up to the incident;
 - student behaviors necessitating the ESI
 - steps taken to transition the student back into the educational setting
 - the date and time the incident occurred, the type of ESI used, the duration of the ESI and the school personnel who used or supervised the ESI
 - space or an additional form for parents to provide feedback or comments to the school regarding the incident
 - a statement that invites and strongly encourages parents to schedule a meeting to discuss the incident and how to prevent future use of ESIs
 - School email and phone contact for the parent to schedule the ESI meeting.
- The parent must be provided with the following information in writing or, upon the parent's written request, by email, after the first ESI incident in a school year and provided with this information after subsequent ESI incidents through a web address:
 - 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, Inc. and the Disability Rights Center of Kansas.



Are There Requirements for Meetings Following an Emergency Safety Intervention?

The written documentation of an 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 an 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 shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

If a parent requests a meeting the meeting must be called within 10 school days. 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.

What are the Emergency Safety Intervention Meeting Requirements for Students Parentally Placed in Private Schools?

For students who have an individualized education program (IEP) and are placed in a private school by a parent, a meeting called by the parent must include the parent and the private school, who shall consider whether the parent should request an IEP team meeting. If the parent requests an IEP team meeting, the private school must help facilitate such meeting.

Are Students Required to Attend the Meeting?

The parent shall determine whether the student shall be invited to any meeting.

Where can I find out more information about

Emergency Safety Interventions

(Seclusion and Restraint)?



Families Together, Inc.

www.familiestogetherinc.org

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

