



Kansas State Department of Education (KSDE) Early Childhood, Special Education, and Title Services (ECSETS)

Emergency Safety Intervention

General

Emergency Safety Intervention law refers to both regulations developed by the Kansas State Board of Education and statutes passed by the Kansas Legislature.

Take time to **review the law and the policy** developed by your local school board.

Go to your administrator and **ask any questions** you may have about the requirements and how your school or district implements them.

Resources

The Kansas State Department of Education (KSDE) and the Technical Assistance System Network (TASN) put together **resources to help you navigate the requirements**, they can be accessed at <http://ksdetasn.org/>; and include:

- Emergency Safety Intervention law;
- Standards for the Use of Emergency Safety Interventions document;
- Family Guide on the Use of Emergency Safety Intervention;
- templates for parent notification;
- sample incident documentation form;
- spreadsheet for recording Emergency Safety Intervention data that must be reported to KSDE; and
- De-escalation of Behavior Modules.

Law Enforcement

If the 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 day, but is not required to provide the written documentation and information.

Who Does One Contact With Questions?

Julie Ehler
(785) 296-1944
jebler@ksde.org

Kelly Steele
(785) 296-2050
ksteele@ksde.org

<https://ksdetasn.org/ksde/emergency-safety-interventions-esi-resources>

Prohibited Forms of Restraint

- Prone (face-down) and supine (face-up) physical restraint;
- physical restraint that obstructs the student's airway;
- any physical restraint that impacts a student's primary mode of communication;
- mechanical restraint, but not including protective/stabilizing devices either ordered by an appropriately licensed person or required by law; any device used by a law enforcement officer in carrying out law enforcement duties; seatbelts and any other safety equipment when used to secure students during transportation; and
- chemical restraint, but not including prescribed treatments for a student's medical or psychiatric condition by an appropriately licensed person to issue these treatments.

Physical Restraint

Physical restraint is bodily force used to substantially limit a student's movement.

This 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.

Seclusion

Seclusion is placing a student in a location where all three 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 secluded. 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.

Standards for the Use of Emergency Safety Interventions

Emergency Safety Interventions shall only be used when the student presents a reasonable and immediate danger of physical harm to self or others with the present ability to effect such physical harm.

Less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances prior to Emergency Safety Interventions being used.

Use of Emergency Safety Interventions must stop immediately when danger of physical harm ends.

Violent action, destructive of property may necessitate the use of Emergency Safety Interventions.

Emergency Safety Interventions must not be used for discipline, punishment, or the convenience of a school employee.

Emergency Safety Interventions may not be used with a student if the student's licensed health care provider gave the school a written statement that the student has a medical condition that could put the student in mental/physical danger if Emergency Safety Interventions are used with that student. However, an emergency safety intervention may still be used if not using an emergency safety intervention would result in significant physical harm to the student or others.

Documentation and Parent Notification When an Incident Occurs

Parent must be **notified the same day**

Written documentation of the incident must be given to parent by the following school day, and must include:

- Events leading up to the incident;
- student behaviors necessitating the use of an emergency safety intervention;
- steps taken to transition student back into the educational setting;
- date, time, and duration of the incident, type of emergency safety intervention used, school personnel involved in the incident;
- Space for parents to provide comments to the school;
- Statement strongly encouraging the parent to schedule a meeting to discuss the incident and preventative measures for the future, with the email and phone information for the school contact; and
- **Information required to be given after the first use of Emergency Safety Intervention with a student, which includes:**
 - Copy of the standards when emergency safety interventions can be used;
 - flyer on parents' rights;
 - Information on parents' right to file a complaint with the local board; and
 - Information to assist the parent in filing a complaint, including contact information for the parent training and information center and protection and advocacy system.

An Equal Employment/Educational Opportunity Agency

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. The following person has been designated to handle inquiries regarding the non-discrimination policies: KSDE General Counsel, 900 SW Jackson St., Topeka, KS 66612, 785-296-3204