



Emergency Safety Intervention Parent Information

If an emergency safety intervention occurs, parents are strongly encouraged to schedule a meeting to: 1) discuss the incident and 2) discuss prevention of future use of emergency safety interventions. The district contact listed below is available to assist in scheduling this meeting. This meeting will be scheduled no later than ten (10) school days from when the parent makes the request unless the parent cannot meet within that time frame.

**Blue Valley School District
15020 Metcalf
Overland Park, KS 66283
913-239-4000**

**Mark Schmidt, Ed.D.
Assistant Superintendent
Special Education
mrschmidt@bluevalleyk12.org**

Documents Included in this Packet

District Emergency Safety Intervention Policy (2023)

District Dispute Resolution Process (2023)

Documentation of a Known Medical Condition Form (2023)

Standards for the Use of Emergency Safety Interventions (2023)

A Family Guide to the Use of Emergency Safety Interventions and Parental Rights:
Seclusion and Restraint in Kansas (2023)

Local Dispute Resolution Guide for Parents

State Board Administrative Review Process

State Administrative Review Guide for Parents

State and Community Resources

Helpful Parent Links:

1. [Emergency Safety Intervention Regulations](#)
2. [Standards for the Use of Emergency Safety Intervention \(KAR Regulations\)](#)
3. [A Family Guide to the Use of Emergency Safety Interventions \(Seclusion and Restraint\) in Kansas \(English\)](#)
4. [A Family Guide to the Use of Emergency Safety Interventions \(Seclusion and Restraint\) in Kansas \(Spanish\)](#)
5. KSDE ESI [Administrative Review Request Form](#).
6. [Kansas Special Education Parental Rights - 17 language translations](#)
7. [Blue Valley Emergency Safety Interventions \(ESI\) website](#)
8. [BV Parent Notification of ESI Form \(2023\)](#)
9. [BV Parent ESI Notification Preference Form \(2023\)](#)

Board Policy 3522-Emergency Safety Interventions

EMERGENCY SAFETY INTERVENTIONS

3522

Emergency Safety Interventions (ESI) refers to the use of seclusion or physical restraint. District personnel may use seclusion and/or physical restraint only when less restrictive alternatives were determined by a school employee to be inappropriate or ineffective, and when a student's behavior presents an immediate danger to self or others. Violent actions that are destructive of property may necessitate the use of ESI. The use of ESI shall stop as soon as the immediate danger of physical harm ceases to exist.

ESI Restrictions

1. Use of ESI for purposes of discipline, punishment or for the convenience of a school employee, is prohibited.
2. A student shall not be subjected to an ESI if the school has received appropriate written documentation provided by the student's licensed health care provider, stating the student has a medical condition that could put him/her in mental or physical danger because of an ESI. The written statement shall include the student's specific medical diagnosis, a list of reasons why ESI would be dangerous based on the diagnosis, and any suggested alternatives to ESI. A student may still be subject to an ESI if not using the ESI would result in significant physical harm to the student or others.

Campus Police Officers and School Resource Officers shall be exempt from the requirements of ESI when engaged in an activity with a legitimate law enforcement purpose. School security officers are not exempt from ESI requirements.

Seclusion

"Seclusion" occurs when behaviors meet the conditions for conducting an ESI and a student is (1) purposely isolated from the learning environment and separated from most or all peers and adults by school personnel; and (2) is prevented from leaving, or has reason to believe he or she will be prevented from leaving the location of isolation. Both conditions must be present for seclusion to occur. The use of "Time Out" where a student is temporarily removed from a learning activity without being secluded, when used as part of a behavioral intervention, or the use of in-school suspension, out of school suspension, or any other appropriate disciplinary measures are not considered an ESI.

Area of Isolation Restrictions

1. During seclusion, a school employee shall see and hear the student at all times.
2. All areas of isolation equipped with a locking door to prevent exit, shall be designed to automatically disengage when the school employee moves away from the seclusion room.
3. A areas of isolation shall be a safe place with proportional and similar characteristics as those of other rooms where students frequent, including well-ventilated and sufficiently lighted.

Restraint

"Physical restraint" occurs when student behaviors meet the conditions for conducting an ESI and bodily force is used to substantially limit a student's movement, except that consensual, solicited, or unintentional contact to provide comfort, assistance or instruction shall not be deemed physical restraint. Except in cases where the students' movements are substantially limited by bodily force the use of "Physical Escort" or

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 is not considered an ESI.

Restraints Restrictions

1. The use of prone physical restraint, supine 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.
2. The use of chemical restraint, except as prescribed treatments for the student's medical or psychiatric condition by a person appropriately licensed to issue such treatments, is prohibited.
3. The use of mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a certified law enforcement officer in carrying out law enforcement duties, and seat belts or other safety equipment when used to secure students during transportation, is prohibited.

School Documentation of Incidence

1. Each building shall maintain documentation any time ESI is used with a student. Such documentation must include all of the following: a) date and time of ESI; b) type of ESI; c) length of time the ESI was used; d) school personnel who participated in or supervised the ESI; and e) whether the student had an IEP, 504 plan, or behavior intervention plan at the time of the incident.
2. All documentation shall be provided to the building principal, or principal's designee who will maintain the documentation and review the data at least quarterly.
3. The principal or designee will submit the documentation on the final day of the fall and spring semester of each school year to the Superintendent or his/her designee.
4. The District designee will report incidents of using ESI to the Kansas State Department of Education ("KSDE") as required.

Parent Notification and Documentation

1. The principal or designee shall notify the parent the same day as the incident. The same-day notification requirement is satisfied if the school attempts at least two methods of contacting the parents (i.e. phone and text, or phone and email).
2. A parent may designate a preferred method of contact to receive notification.
3. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.
4. Documentation of ESI shall be completed and provided to the parent within one (1) school day of the incident. The documentation will include: a) events leading up to the incident; b) student behaviors that necessitated the ESI; c) steps taken to transition the student back to the educational setting; d) the date and time of the incident, type of ESI used, 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 schedule a 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 if the triggering issue necessitating the ESI's is the same.
5. Upon the first ESI each year, parents will be provided a printed copy, or upon written request, an email copy of: a) the ESI policy which indicates when ESI can be used; b) flier of parent rights; c) information on the parent's right to file a complaint through the local dispute resolution process

(which is set forth in this policy); d) the complaint process of the state board of education; and e) 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 second or subsequent incident, the parent shall be provided with a full and direct website address containing all such information.

6. If the school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint or mechanical restraint, including handcuffs, on a student, the school shall notify the parent the same day using the parents preferred method of contact. The school is not required to provide written documentation to the parent, nor document this law enforcement action as an ESI.

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. The student may be invited to attend the meeting at the discretion of the parent. The school shall hold this meeting within ten (10) school days of receiving the parent's request. The time for calling the meeting can be extended beyond the 10-day limit if the parent is unable to attend within that time period.

1. The focus of any such meeting shall be to discuss proactive ways to prevent the need for ESI and to reduce incidents in the future.
2. For a student with an IEP, the IEP Team shall also discuss the incident and consider whether to conduct a functional behavior assessment and/or whether a behavior intervention plan is needed, or existing plan needs to be modified.
3. For a student with a Section 504 Plan, the 504 Team shall also discuss the incident and consider whether to conduct a functional behavior assessment and/or whether a behavior intervention plan is needed, or existing plan needs to be modified. The Team should also discuss and consider if there is a need for a special education evaluation.
4. If the student with an IEP or Section 504 Plan is placed in a private school by the parent, the meeting shall include the parent and the private school. If a formal team meeting is held, the private school will help facilitate the meeting.
5. For a student without a Section 504 Plan or IEP, the school staff and parent shall discuss the incident and consider the appropriateness of a referral for special education evaluation, the need for a functional behavioral assessment, or the need for a behavior intervention plan. Any such meeting shall include the parent, a school administrator, at least one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator.

Nothing in this section shall prohibit the development and implementation of a functional behavior assessment or a behavior intervention plan for any student if the student would benefit by the measures.

ESI Complaint Investigation Procedures

1. If a parent believes that an ESI was used in violation of state law or board policy, the parent may file a written complaint within thirty (30) calendar days of notification of the disputed ESI. The "Request of Investigation of Emergency Safety Invention (ESI)" shall be accessible on the Blue Valley District website.
2. The Board of Education has delegated to the Superintendent or his/her designee the authority to receive parental written complaints regarding the use of ESI.
3. Upon receipt of a complaint, the Superintendent or his/her designee will investigate the complaint and develop a written report which will include findings of fact, conclusions relevant to the

requirements of this policy or regulations of the KSDE; and, if necessary, corrective actions to remedy an instance of noncompliance.

4. The written report will be submitted to the parents, the school, the Board of Education, and to the KSDE within thirty (30) calendar days from the date the complaint is received in the Superintendent's office.
5. A parent may file a request for administrative review by the Kansas State Board of Education within thirty (30) calendar days from the date a final decision is issued pursuant to the local dispute resolution process.

Annual Staff Training

Staff members shall be trained regarding the use of positive behavioral intervention strategies, de-escalation techniques, and prevention techniques.

1. The District designee will schedule school personnel ESI training programs consistent with nationally-recognized training programs on the use of emergency safety interventions.
2. Training will be designed to meet the needs of personnel as appropriate to their duties and potential need for use of ESI procedures. Staff members deemed most likely to need to restrain a student will be provided a greater intensity of training.
3. The District designee will maintain written or electronic documentation of training provided and lists of participants in each ESI training program. This documentation will be made available for inspection by the state board of education upon request.

Appointment of Designee

The Superintendent shall appoint a District staff member to implement the requirements of this policy for using Emergency Safety Interventions (ESI).

Board ESI Policy Notice

Board Policy 3522 is published on the District's website, on each school's website, and the entire Board ESI Policy must be available in each school's student handbook, code of conduct, or school safety plan. Parents will be notified of the online availability of this policy annually during enrollment.

B.O.E. Adopted 12 Aug 2013

B.O.E. Amended 08 Sep 2014

B.O.E. Amended 10 Aug 2015

B.O.E. Amended 08 Aug 2016

B.O.E. Amended 18 Mar 2019

B.O.E. Amended 14 Aug 2023

LEGAL REFERENCE: [K.A.R.91-42-1 through 91-42-7](#).

ADMINISTRATIVE GUIDELINES

POLICY 3522 EMERGENCY SAFETY INTERVENTIONS COMPLAINT INVESTIGATION REQUEST

ESI Complaint Investigation Procedures

1. If a parent believes that an ESI was used in violation of state law or board policy, the parent may file a written complaint within 30 calendar days of notification of the disputed ESI.
2. The Board of Education has delegated to the Superintendent or his/her designee the authority to receive parental written complaints regarding the use of ESI.
3. Upon receipt of a complaint, the Superintendent or his/her designee will investigate the complaint and develop a written report which will include findings of fact, conclusions relevant to the requirements of this policy or regulations of the KSDE; and, if necessary, corrective actions to remedy an instance of noncompliance.
4. The written report will be submitted to the parents, the school, the Board of Education, and to the KSDE within thirty (30) calendar days from the date the complaint is received in the Superintendent's office.
5. A parent may file a request for administrative review by the Kansas State Board of Education within thirty (30) calendar days from the date a final decision is issued pursuant to the local dispute resolution process.

EMERGENCY SAFETY INTERVENTION FORM
Documentation of a Known Medical Condition



DIRECTIONS: This form is being provided to you for documentation of a known medical condition that has put the student named below in mental or physical danger as a result of using an emergency safety intervention. This form satisfies the requirement in K.S.A. 2017 Supp. 72-6153(b), but does not include any required releases necessary to share or release information to the school. Please attach copies of any releases to this form. Additional information is provided on the back of this form.

STUDENT'S NAME: _____

STUDENT'S KIDS ID NUMBER (to be filled in by school staff): _____

STUDENT'S DIAGNOSIS: _____
EXPLANATION OF THE DIAGNOSIS and REASONS WHY AN EMERGENCY SAFETY INTERVENTION WOULD PUT THE STUDENT IN MENTAL OR PHYSICAL DANGER (attach additional sheets if necessary):

SUGGESTED ALTERNATIVES TO THE USE OF EMERGENCY SAFETY INTERVENTIONS (attach additional sheets if necessary):

Standards for the use of Emergency Safety Interventions

- Original can be found at [Standards for the Use of Emergency Safety Intervention](#)
- Edits by BVSD based on “[\(s\)tandards for the Use of Emergency Safety Intervention \(KAR Regulations 2023\)](#)”

Emergency safety interventions law sets forth standards for the use of restraint and seclusion to ensure that all Kansas students and staff have a safe learning environment. The standards found in the emergency safety intervention statutes and regulations are required to be followed in all Kansas public school districts and accredited private schools.

An emergency safety intervention is the use of seclusion or physical restraint. The use of an emergency safety intervention shall **cease as soon as the immediate danger of physical harm and violent action ceases to exist.**

Before using an emergency safety intervention, a school employee witnessing the student’s behavior must have determined that **less restrictive alternatives** to emergency safety interventions, such as positive behavior interventions support, were inappropriate or ineffective under the circumstances.

An emergency safety intervention 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.** Violent action that is destructive of property may necessitate the use of an emergency safety intervention if there is a reasonable and immediate danger of physical harm. An emergency safety intervention may not be used for purposes of discipline, punishment, or for the convenience of a school employee.

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).

Seclusion means placement of a student for any reason other than for in-school suspension, detention, or other appropriate disciplinary measure in a location where:

- The student is **purposefully isolated** by school personnel;
- The student is **prevented from leaving**, or the student has reason to believe that such student will be prevented from leaving, the area of purposeful isolation.

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 use of an emergency safety intervention unless not using an emergency safety intervention would result in significant physical harm to the student or others. The medical condition must be indicated in a written statement from the student's licensed health care provider, and a copy of which shall be provided to the school and placed in the student's file.

When a student is placed in seclusion, a school employee shall **see and hear the student at all times**.

If an **area of purposeful isolation** has a locking door it must be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

An **area of purposeful isolation** must be a **safe place**. The room must have good ventilation and lighting, and be free of any condition that could be a danger to the student. The room must also be similar to other rooms where students frequent.

Seclusion is **not time-out**, which is a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.



**A Family Guide to
the Use of
Emergency Safety
Interventions and
Parental Rights:
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 or a student engages in a violent action that is destructive of property.

What is Seclusion?

Seclusion means placement of a student in an area of purposeful isolation, that school personnel are not meaningfully engaging with the student to provide instruction and any one of the following occurs:

1. the student is removed from the learning environment by school personnel; or,
2. the student is separated from all or most peers and adults in the learning environment by school personnel; or,
3. the student is placed within an area of purposeful isolation by school personnel.



Seclusion means placement of a student for any reason other than for in-school suspension or detention or any other appropriate disciplinary measure in a location where both of the following conditions are met:

1. School personnel purposefully isolate the student.
2. The student is prevented from leaving or the student has reason to believe that the student will be prevented from leaving the area of purposeful isolation.

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.

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



Mechanical restraint is defined as any device or object used to limit a student'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.

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 or property damage.
- 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 ESI.
- 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.

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. The presence of another person in the area of purposeful isolation or observing the student from outside the area of purposeful isolation does not create an exemption from reporting the incident as seclusion.

If the area of purposeful isolation has a locking door to prevent a student from leaving, the door must be designed to make sure that the lock automatically disengages when the school employee watching the student walks away from the area of purposeful isolation, or in cases of emergency, such as fire or severe weather.

Each area of purposeful isolation must be a safe place with proportional and similar characteristics as those of rooms where students frequent. Each area of purposeful isolation must be free of anything that could be a danger to the student and must be well-ventilated and sufficiently lighted.



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.

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

- The school must notify the parent the same day the ESI was used. 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 by the following school day, when ESI 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; and,
 - ◇ 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 and the Disability Rights Center of Kansas.



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.

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 held within 10 days. The time for calling this meeting shall be extended beyond the 10 day limit if the parent is unable to attend within that time period.

Are Students Required to Attend the Meeting?

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

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.



A Focus on Prevention

Why focus on Positive Interventions?

Positive Interventions help build positive relationships and encourage new behaviors. Positive interventions also reinforce



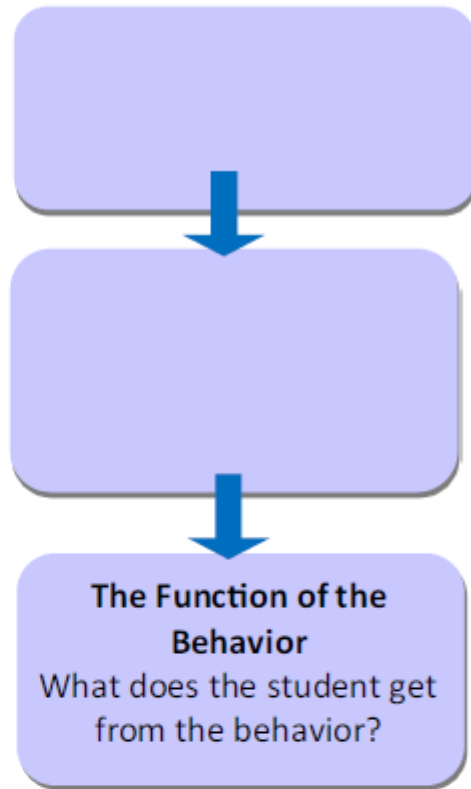
new skills and increase self-satisfaction and optimism among students, parents and teachers. All students need to be recognized and rewarded when they are meeting the expectations that have been established. Current research suggests positive recognition (rewards, reinforcements, praise) must occur more

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 on 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.

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 can request a functional behavioral assessment (FBA). An FBA can help teams determine the when, where, how, and why problematic behavior occurs. A comprehensive FBA includes interviews, record reviews,

observation and data collection, graphing data collected, testing hypotheses, curriculum analysis, implementation of interventions, and an evaluation of the effectiveness of the plan. FBAs should identify antecedents (what happens just before the behavior occurs), a clearly defined picture of the behavior that is occurring, and the reinforcers (what happens just after the behavior occurs). 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 focus on proactive strategies to support students, including positive behavior interventions and supports. BIPs should be positive, instructive, and based on 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; and,
 - teach appropriate replacement behaviors.
-

The Kansas State Department of Education

- does not promote the use of emergency safety intervention with any student;
- recommends a focus on prevention;
- stresses that emergency safety intervention is not part of a tiered intervention system or student behavior plan – it is only to be used in an emergency; and,
- views emergency safety interventions as reactive strategies that do not decrease the likelihood of a behavior from occurring.

Where can I find out more information about Emergency Safety Interventions?

Families Together, Inc.

www.familiestogetherinc.org

1-800-264-6343

Topeka Parent Center
topeka@familiestogetherinc.org

Wichita Parent Center
wichita@familiestogetherinc.org



Kansas Parent Information Resource Center (KPIRC)

1-866-711-6711

www.kpirc.org

Kansas State Department of Education (KSDE)

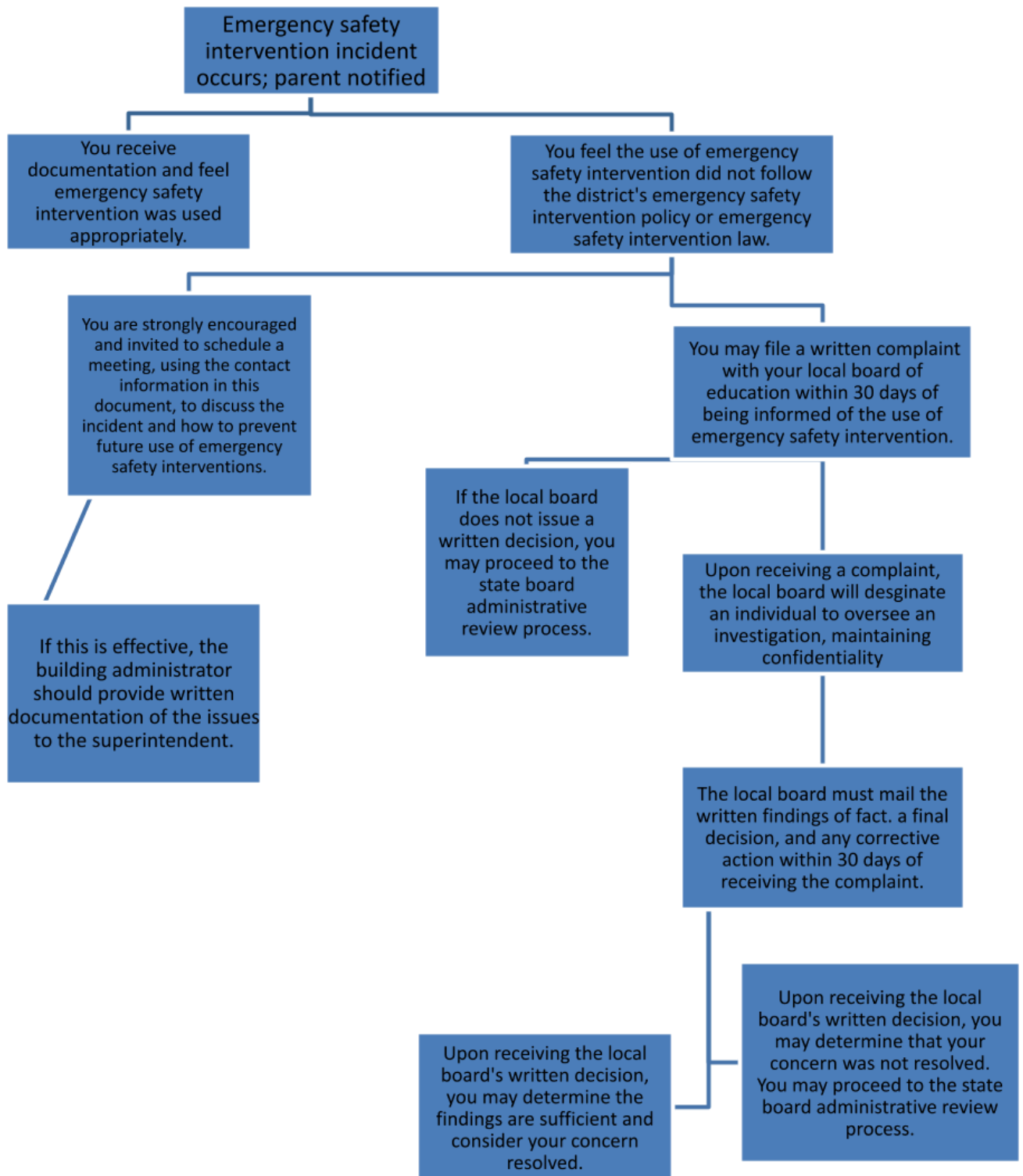
1-800-203-9462

www.ksde.org

www.ksdetasn.org



Local Dispute Resolution Guide for Parents



Emergency Safety Intervention Administrative Review

An emergency safety intervention is the use of seclusion or physical restraint. The use of an emergency safety intervention shall cease as soon as the immediate danger of physical harm and violent action ceases to exist. Emergency safety interventions law sets forth standards for the use of restraint and seclusion to ensure that all Kansas students and staff have a safe learning environment.

If a parent believes that an emergency safety intervention has been used with the parent's child in violation of the State Board's emergency safety intervention regulations or the district's emergency safety intervention policy, the parent may file a complaint with the local board. The complaint must be filed within 30 days of the date on which the parent was informed of the use of that emergency safety intervention. The local board's final decision must be in writing and include findings of fact and any corrective action required by the district if the local board deems these actions necessary. The local board's final decision must be mailed to the parent and KSDE within 30 days of the local board's receipt of the complaint. To comply with the requirement in K.A.R. 91-42-3(a)(2)(C) to mail the local board's final decision to KSDE, the local board's final decision must be mailed to Trish Backman, Special Education and Title Services, KSDE, Landon State Office Building, 900 S.W. Jackson, Suite 102, Topeka, KS 66612 or emailed to tbackman@ksde.org.

Any parent who filed a written complaint with their local board of education regarding the use of emergency safety intervention and is either not satisfied with the local board's final decision or did not receive a final decision within 30 days, may request an administrative review by the Kansas State Board of Education. The form below may be used to request administrative review. Questions on this process, please contact the Office of General Counsel at ogc@ksde.org or 785-296-3204.

[Administrative Review Request Form \(PDF\)](#)

[Emergency Safety Interventions \(ESI\) Resources \(External Link\)](#)

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 (State Board).

- 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 the State Board.
 - 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. KSDE has provided a form for you to use, if you wish, and you can find it on the [and a link to the Administrative Review Request Form](#).
- A Hearing Officer will be designated by the State Board. 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.

State Administrative Review Guide for Parents

Written request must include:
Name and contact information of student that emergency safety intervention was used with
Name and contact information for all people involved
Statement describing the basis for the review with all supporting facts and documentation
The local board's final decision, if one was issued
Type or legibly write the complaint and sign it
Written consent to disclose any personally identifiable information

You may use the form on the KSDE website, www.ksde.org/Default.aspx?tabid=524.

Mail this request to the Emergency Safety Intervention Administrative Review Request, Kansas State Department of Education, Office of General Counsel, 900 SW Jackson Street, Room 102, Topeka, Kansas 66612

The Hearing Officer may initiate a separate investigation that may include:

- A discussion with the parent;
- Contacting the local board or other staff involved; and
- An on-site investigation.

If the Hearing Officer finds new information, they may send the issue back to the local board. If you are not satisfied with the local board's amended decision the right to request administrative review begins again.

You filed a complaint with the local board and you are not satisfied with the final decision about the use of an emergency safety intervention (ESI).

File a request for administrative review with the Kansas State Board of Education. You must do this within 30 days of the local board's final decision or, if the local board failed to issue a final decision, within 60 days of the date you filed a complaint with the local board.

The Kansas State Board of Education will designate a Hearing Officer to conduct a review of the local board's final decision.

Investigation results will be provided to the parents, school administrator, district superintendent, local board, and state board within 60 days of the commissioner's receipt of the request for administrative review.

A request for an administrative review may include, but is not limited to, the following allegations:

An emergency safety intervention was used with your child when your child did not present a reasonable and immediate danger of physical harm to themselves or others with the present ability to effect such physical harm. The district used a form of banned restraint including prone, supine, physical restraint that obstructs the airway of your child, physical restraint that impacts your child's primary mode of communication, chemical or mechanical restraint that does not meet an exception. Less restrictive alternatives to emergency safety intervention were not deemed inappropriate or ineffective before emergency safety intervention was used. The use of emergency safety intervention with your child did not stop as soon as the immediate danger of physical harm stopped. emergency safety intervention was used with your child for discipline, punishment, or convenience. Emergency safety intervention was used with your child and you have provided school staff with documentation from your child's licensed health care provider that seclusion could put your child in mental or physical danger. Seclusion was used with your child and school staff could not see and hear your child at all times. Your child was put in a seclusion room with a locking door that does not automatically disengage when school staff walk away or in an emergency. Your child was put in a seclusion room that was unsafe, not well-ventilated, or not sufficiently lighted.

State and Community Resources

General Emergency Safety Intervention Information:

www.ksdetasn.org

www.ksde.org/Default.aspx?tabid=524

Information on the Data Collection for Emergency Safety Intervention:

Trish Backman

785-296-6937

tbackman@ksde.org

For questions related to Emergency Safety Interventions:

Brian Dempsey

785-296-5522

bdempsey@ksde.org

Parent Training and Information Center:

Families Together

<http://famiestogetherinc.org/>

888-815-6364

Protection and Advocacy System:

Disability Rights Center of Kansas

<http://www.drckansas.org/>

877-776-1541 or 785-273-9661