

The board of directors 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 directors 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 service center website with links to the policy available on any individual diploma completion program site pages. In addition, this policy shall be included in at least one of the following: each diploma completion program site code of conduct, diploma completion program site safety plan, or student 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 service center 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) and adoptive parent; (3) a person acting a 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

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;
- Using chemical restraint, except as prescribed by a licensed healthcare professional for treatment of a medical or psychiatric condition; and
- 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; or
 - 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 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 service center 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 service center 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 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 site coordinator and placed in the student's file.

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

All seclusion rooms equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion, or in case of emergency, such as a fire or severe weather.

A seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Such room shall be free of any condition that could be a danger to the student and shall be well-ventilated and sufficiently lighted.

Training

All staff members who work directly with students shall be trained in 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. Program Coordinators, 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. The executive director shall make the determination of the intensity of the training required by each position.

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

Notification and Documentation

The program coordinator or designee of alternative high school program settings 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 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 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 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, and
- Service center personnel who participated in or supervised the intervention.

All such documentation shall be provided to the program coordinator, who shall be responsible for providing copies of such documentation to the executive director within 24 hours of the incident. At least once per school year, each program coordinator or designee shall review the documentation of ESI incidents with the appropriate staff members to consider the appropriateness of the use of ESI in those instances.

Reporting Data

Service center executive director 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 directors encourages parents to attempt to resolve issues relating to the use of ESI informally with the program coordinator and/or the executive director before filing a formal complaint with the board. In the event that the complaint is resolved informally, the program coordinator must provide a written report of the informal resolution to the executive director and the parents and retain a copy of the report at the learning center. The executive director will share the informal resolution with the board of directors and provide a copy to the state department of education.

If the issues are not resolved informally with the program coordinator and/or the executive director, the parents may submit a formal written complaint to the board of directors by providing a copy of the complaint to the clerk of the board and the executive director within thirty (30) days after the parent is informed of the ESI.

Upon receipt of a formal written complaint, the board president shall assign an investigator to review the complaint and report findings to the board as a whole. Such investigator may be a board member, a service center 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 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 executive director. 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 learning center, 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.

Approved: SCKESC Board of Directors 09/2013, 10/2014, 2/2016

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