

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 this 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. 72-6146, 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. 72-3122(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;

- 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*:
 - 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;
 - Any device used by a certified law enforcement officer to carry out law enforcement duties; or
 - 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 as 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 same-day 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 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 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 day 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. The documentation shall 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, such student's IEP team or Section 504 plan 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; 6/18; 12/18

GAAF – ESI DOCUMENTATION FORM

Emergency Safety Intervention Documentation

Date: _____

Dear: _____

The purpose of this letter is to inform you that on _____, at _____ (a.m./p.m.)
(date) (time)
the need for the use of an Emergency Safety Intervention was required for

(name of student)

K.A.R. 91-42-1 through 92-42-7 provide that emergency safety intervention (hereafter "ESI") is defined to include the use of seclusion or physical restraint but not the use of time-out or physical escort. Whenever an ESI is used, the parent(s)/guardian(s) must be informed of the use the day it happens. This notice requirement is deemed satisfied if the school attempts at least two methods of contact to reach the parent or guardian. By the day following the ESI use, written notification of the following shall be provided to the parent or guardian.

Type of ESI used: Seclusion _____ Restraint _____ Duration of seclusion/restraint: _____ (minutes)
Location: _____

Name of staff member(s) who participated in or supervised the ESI:

Did the student have an Individualized Education Program ("IEP"), Section 504 Plan, or a Behavior Intervention Plan at the time of the incident? _____ If so, specify which: _____

Description of events leading up to the incident:



**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:

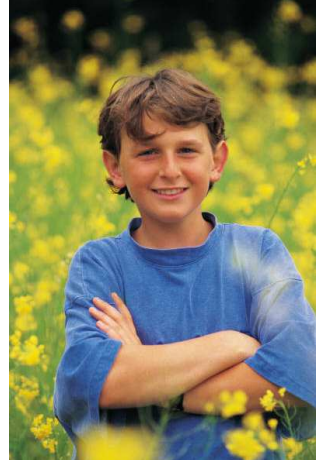
1. School personnel purposefully isolate the student.
2. The student is prevented from leaving or the student has reason to believe that the student will be prevented from leaving the area of purposeful isolation.

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.



Tip!

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



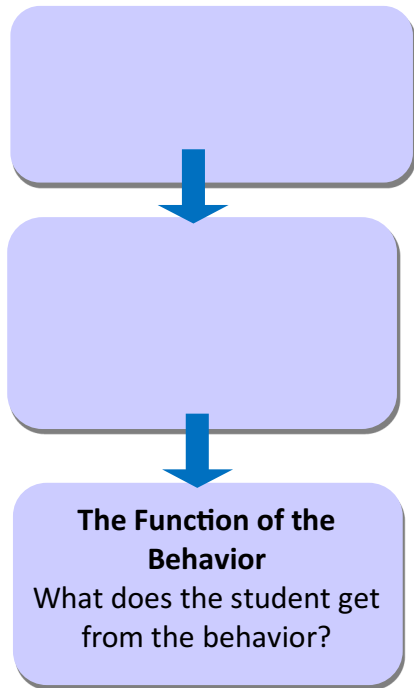
new skills and increase self-satisfaction and optimism among students, parents and teachers. All students need to be recognized and rewarded when they are meeting the expectations that have been established. Current research suggests positive recognition (rewards, reinforcements, praise) must occur more

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

Kansas Parent Information Resource Center (KPIRC)

1-866-711-6711

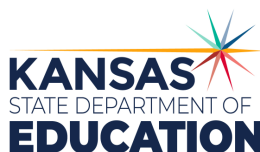
www.kpirc.org

Kansas State Department of Education (KSDE)

1-800-203-9462

www.ksde.org

www.ksdetasn.org





**Una Guía
para Familias
para el Uso de
Intervenciones de
Seguridad de
Emergencia y
Derechos de Padres:
Aislamiento y
Restricción en Kansas**



¿Qué Son Intervenciones de Seguridad de Emergencia?

Las Intervenciones de Seguridad de Emergencia (ESI, por sus siglas en inglés) son aislamiento y restricción que se usan cuando el estudiante presenta un peligro razonable e inmediato de daño físico a sí mismo o a otros, o cuando un estudiante participa en una acción violenta que destruye la propiedad.

¿Qué es el Aislamiento?

El Aislamiento significa la colocación de un estudiante en un área de aislamiento intencional y el personal de la escuela no se involucra de manera significativa con el estudiante para brindar instrucción y ocurre cualquiera de los siguientes:

1. el estudiante es retirado del ambiente de aprendizaje por el personal de la escuela;
2. el personal de la escuela separa al estudiante de todos o la mayoría de sus compañeros y adultos en el ambiente de aprendizaje; o,
3. el estudiante es colocado dentro de un área de aislamiento intencional por el personal de la escuela.



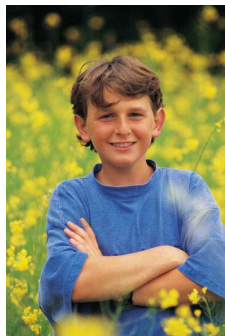
Aislamiento significa la colocación de un estudiante por cualquier motivo que no sea suspensión o detención dentro de la escuela o cualquier otra medida disciplinaria apropiada en un lugar donde se cumplan las dos condiciones siguientes:

1. El personal de la escuela aísla deliberadamente al estudiante.
2. Se le impide al estudiante salir o el estudiante tiene motivos para creer que se le impedirá salir del área de aislamiento intencional.

El tiempo de espera no es lo mismo que el aislamiento. El tiempo fuera es cuando un estudiante es retirado temporalmente de la actividad de aprendizaje, pero no está confinado.

¿Qué es Restricción?

La restricción puede tomar forma de diferentes maneras. La definición de restricción física es la fuerza corporal utilizada para limitar sustancialmente el movimiento de un estudiante. Está prohibido el uso de la sujeción física en decúbito prono (boca abajo) y la sujeción física en decúbito supino (boca arriba). La restricción física no puede obstruir las vías respiratorias del estudiante ni afectar el modo principal de comunicación del estudiante.



El contacto consensuado, solicitado o no intencional y el contacto para brindar consuelo, asistencia o instrucción no es restricción física.

La restricción mecánica se define como cualquier dispositivo u objeto utilizado para limitar el movimiento de un estudiante. El uso de restricción mecánica está prohibido en Kansas, excepto aquellos dispositivos protectores o estabilizadores ordenados por una persona debidamente autorizada para emitir la orden del dispositivo. Se permite la restricción mecánica utilizada por un oficial de la ley en el desempeño de sus funciones de aplicación de la ley. También se permiten cinturones de seguridad y/u otros equipos de seguridad cuando se usan para asegurar a los estudiantes durante el transporte.

La restricción química está prohibida en Kansas. Un estudiante puede tomar tratamientos recetados para una condición médica o psiquiátrica cuando son recetados por una persona debidamente autorizada para recetar medicamentos.

¿Cuándo se puede utilizar la intervención de seguridad de emergencia?

- Solo se puede usar cuando un estudiante presenta un peligro razonable e inmediato de daño físico para sí mismo o para otros con la capacidad presente de causar daño físico o daño a la propiedad.
- Las alternativas menos restrictivas, como el apoyo de intervenciones de comportamiento positivo, deben ser consideradas inapropiadas o ineficaces bajo las circunstancias por el empleado de la escuela que presencia el comportamiento del estudiante antes del uso de cualquier ESI.
- El uso de ESI tiene que cesar tan pronto como termine el peligro inmediato de daño físico.
- ESI no se puede utilizar con fines de disciplina, castigo o para la conveniencia de un empleado de la escuela.

Estudiantes con una condición médica conocida.



- No se puede usar una intervención de seguridad de emergencia con un estudiante si se sabe que el estudiante tiene una condición médica que podría poner al estudiante en peligro mental o físico como resultado de la intervención de seguridad de emergencia.
- La existencia de dicha condición médica debe indicarse en una declaración escrita del proveedor de atención médica con licencia del estudiante, una copia de la cual se proporcionará a la escuela y se colocará en el expediente del estudiante.
- La declaración escrita tiene que incluir una explicación del diagnóstico del estudiante, una lista de las razones por las cuales una intervención de seguridad de emergencia pondría

al estudiante en peligro mental o físico y cualquier alternativa sugerida para el uso de intervenciones de seguridad de emergencia.

- Todavía se puede usar una intervención de seguridad de emergencia si no someter al estudiante a una intervención de seguridad de emergencia resultaría en un daño físico significativo para el estudiante o para otros.

Los padres deben ser proactivos y proporcionar al distrito documentación escrita del proveedor de atención médica con licencia de su hijo que describa cualquier condición médica que pueda poner al estudiante en peligro mental o físico como resultado del ESI.



¿Cuáles son los Requisitos para aislamiento?

Cuando se coloca a un estudiante en aislamiento, un empleado de la escuela tiene que poder ver y escuchar al estudiante en todo momento. La presencia de otra persona en el área de aislamiento intencional u observar al estudiante desde fuera del área de aislamiento intencional no crea un formulario de exención que informe el incidente como aislamiento.

Si el área de aislamiento intencional tiene una puerta con cerrojo para evitar que un estudiante se vaya, la puerta tiene que estar diseñada para garantizar que la cerradura se desconecte automáticamente cuando el empleado de la escuela que observa al estudiante se aleja del área de aislamiento intencional, o en casos de emergencia, como un incendio o mal tiempo.

Cada área de aislamiento intencional tiene que ser un lugar seguro con características proporcionales y similares a las de las habitaciones que frecuentan los estudiantes. Cada área de aislamiento intencional tiene que estar libre de cualquier cosa que pueda ser un peligro para el estudiante y debe estar bien ventilada y suficientemente iluminada.

¿Qué puedo hacer si siento que ESI se ha utilizado de manera inapropiada con mi hijo?

Si un padre cree que se han utilizado ESI que violan el estatuto de ESI, las regulaciones de ESI o la política de ESI del distrito, entonces el padre puede presentar una queja a través del proceso local de resolución de disputas dentro de los 30 días posteriores al uso de ESI.

Un padre puede presentar una queja a través del proceso de quejas de la Junta de Educación del Estado de Kansas dentro de los 30 días a partir de la fecha en que un padre recibe una decisión final a través del proceso local de resolución de disputas o después de que hayan pasado 30 días desde que el padre presentó una queja a través de la disputa local. proceso de resolución, si el padre no ha recibido la decisión final de la junta local.

¿Cuándo tiene que notificar a los padres que se ha utilizado un ESI?

- La escuela tiene que notificar a los padres el mismo día que se utilizó el ESI. La escuela intentará comunicarse con los padres utilizando al menos dos métodos de contacto.
- La documentación escrita de la manera del ESI utilizado tiene que completarse y entregarse a los padres antes del siguiente día escolar, cuando se utilizó el ESI. La documentación escrita tiene que incluir:
 - ◇ Los eventos que condujeron al incidente;
 - ◇ comportamientos de los estudiantes que requieren el ESI



- ◇ pasos tomados para la transición del estudiante de regreso al ambiente educativo
 - ◇ la fecha y hora en que ocurrió el incidente, el tipo de ESI utilizado, la duración del ESI y el personal escolar que utilizó o supervisó el ESI
 - ◇ espacio o un formulario adicional para que los padres brinden retroalimentación o comentarios a la escuela con respecto al incidente
 - ◇ una declaración que invita y alienta encarecidamente a los padres a programar una reunión para discutir el incidente y cómo prevenir el uso futuro de ESI
 - ◇ Correo electrónico de la escuela y contacto telefónico para que los padres programen la reunión de ESI.
- Se necesita proporcionar al padre la siguiente información por escrito o, previa solicitud por escrito del padre, por correo electrónico, después del primer incidente de ESI en un año escolar y se le debe proporcionar esta información después de incidentes de ESI posteriores a través de una dirección web:
 - ◇ Una copia de los estándares de cuándo se puede usar ESI;
 - ◇ Un folleto sobre los derechos de los padres bajo la ley ESI;
 - ◇ Información sobre el derecho de los padres a presentar una queja a través del proceso local de resolución de disputas y el proceso de quejas de la Junta de Educación del Estado de Kansas; y
 - ◇ Información que ayudará a los padres a navegar el proceso de quejas, incluida la información de contacto de Families Together y el Centro de Derechos para Personas con Discapacidades Kansas.

¿Existen requisitos para las reuniones después de una intervención de emergencia de seguridad?

La documentación escrita de un incidente de intervención de seguridad de emergencia tiene que contener:

- una declaración que invite y aliente encarecidamente a los padres a programar una reunión para discutir el incidente y cómo prevenir el uso futuro de intervenciones de seguridad de emergencia; y
- información de correo electrónico y teléfono para que los padres se comuniquen con la escuela para programar la reunión de intervención de seguridad de emergencia.

Después de un incidente de intervención de seguridad de emergencia, un padre puede solicitar una reunión con la escuela para discutir e informar sobre el incidente. Un padre puede solicitar dicha reunión verbalmente, por escrito o por medios electrónicos. El enfoque de cualquier reunión convocada será discutir formas proactivas de prevenir la necesidad de



intervenciones de seguridad de emergencia y reducir los incidentes en el futuro.

Si un padre solicita una reunión, la reunión tiene llevarse a cabo dentro de los 10 días. El tiempo para llamar a esta reunión se extenderá más allá del límite de 10 días si el padre no puede asistir dentro de ese período de tiempo.

¿Se requiere que los estudiantes asistan a la reunión?

El padre determinará si el estudiante será invitado a alguna reunión.

¿Cuáles son los requisitos de reunión de intervención de seguridad de emergencia para estudiantes colocados por los padres en escuelas privadas?

Para los estudiantes que tienen un programa de educación individualizado (IEP) y son colocados en una escuela privada por un padre, una reunión convocada por el padre tiene que incluir al padre y la escuela privada, quienes considerarán si el padre debe solicitar una reunión del equipo del IEP. Si el padre solicita una reunión del equipo del IEP, la escuela privada tiene que ayudar a facilitar dicha reunión.



Tip!

Si su hijo tiene un historial de aislamiento y restricción o comportamiento desafiante, él o ella podría ser elegible para apoyos e intervenciones adicionales. Los padres pueden comunicarse con Families Together, Inc. para analizar posibles opciones.

Un Enfoque en la Prevención

¿Por qué enfocarse en las Intervenciones Positivas?

Las intervenciones positivas ayudan a construir relaciones positivas y fomentan nuevos comportamientos. Las intervenciones positivas



también refuerzan nuevas habilidades y aumentan la autosatisfacción y el optimismo entre estudiantes, padres y maestros. Todos los estudiantes deben ser reconocidos y recompensados cuando cumplen con las expectativas que se han establecido. La investigación actual sugiere que el reconocimiento positivo (recompensas, refuerzos, elogios) debe ocurrir con más frecuencia que el reconocimiento

negativo. Un plan de intervención de comportamiento bien desarrollado debe incluir muchas intervenciones positivas para cambiar el comportamiento de manera efectiva. La primera consideración debe ser la idoneidad de las intervenciones. El equipo debe seleccionar intervenciones que se basen en el nivel de desarrollo del estudiante, la capacidad motora, el modo de comunicación y otros factores relevantes para el estudiante y la discapacidad. También se deben considerar los factores ambientales y relacionados con el contexto. Estos pueden incluir cosas como asientos en la clase, niveles de ruido, problemas con los compañeros, instrucción que es demasiado difícil o demasiado fácil, transiciones y cambios en el ambiente.

Evaluaciones de Comportamiento Funcional

Todos los comportamientos son funcionales y se mantienen en ambientes que los apoyan. Si el comportamiento de su hijo impide el aprendizaje de sí mismo o de los demás, puede solicitar una evaluación funcional del comportamiento (FBA). Una FBA puede ayudar a los equipos a determinar cuándo, dónde, cómo y por qué se produce un comportamiento problemático. Una FBA integral incluye entrevistas, revisiones de registros, observación y

recopilación de datos, gráficos de datos recopilados, prueba de hipótesis, análisis de currículo, implementación de intervenciones y una evaluación de la efectividad del plan. Los FBA deben identificar los antecedentes (lo que sucede justo antes de que ocurra el comportamiento), una imagen claramente definida del comportamiento que está ocurriendo y los reforzadores (lo que sucede justo después de que ocurre el comportamiento). Los equipos deben determinar cuál es la función del comportamiento para que puedan proporcionar intervenciones exitosas o enseñar comportamientos de reemplazo que cumplan la misma función para el estudiante.



Planes de Intervención del Comportamiento

Los Planes de Intervención de Comportamiento (BIP) deben centrarse en estrategias proactivas para apoyar a los estudiantes, incluidas intervenciones y apoyos de comportamiento positivo. Los BIP deben ser positivos e instructivos y deben basarse en una evaluación del comportamiento funcional. Un BIP debe abordar:

- La función del comportamiento;
- Enseñanza efectiva del comportamiento esperado;
- Recompensas y consecuencias que son significativas para el estudiante;
- Oportunidades para autogestionar comportamientos; y,
- Enseñar comportamientos de reemplazo apropiados.

El Departamento de Educación del Estado de Kansas

- no promueve el uso de intervención de seguridad de emergencia con ningún estudiante;
- recomienda centrarse en la prevención;
- hace hincapié en que la intervención de seguridad de emergencia no es parte de un sistema de intervención por niveles o un plan de comportamiento del estudiante; solo se debe usar en una emergencia; y,
- Considera las intervenciones de seguridad de emergencia como estrategias reactivas que no reducen la probabilidad de que ocurra un comportamiento.

¿Dónde puedo encontrar más información sobre las intervenciones de seguridad de emergencia?

Families Together, Inc.

¡Se Habla Español!

www.familiestogetherinc.org

800.499.9443

espanol@familiestogetherinc.org



Kansas
Parent
Information
Resource
Center

**Centro de Recursos de
Información para Padres de**

Kansas (KPIRC)

1-866-711-6711

www.kpirc.org

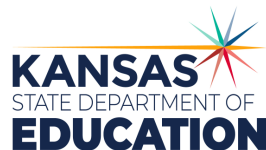
Departamento de Educación de

Kansas (KSDE)

1-800-203-9462

www.ksde.org

www.ksdetasn.org



Standards for the use of Emergency Safety Interventions

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 in a location where:

- The student is placed in an **enclosed area** by school personnel;
- the student is **purposefully isolated** from adults and peers; and
- the student is **prevented from leaving**, or the student reasonably believes that such student will be prevented from leaving, the enclosed area.

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 be able to **see and hear the student** at all times.

If a seclusion room 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.

A seclusion room 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.