



Overview of Emergency Safety Intervention Law

August 2017

Emergency Safety Intervention Definitions

- Emergency Safety Intervention
 - The use of seclusion or physical restraint

- Physical Restraint
 - 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 is NOT physical restraint.

- Seclusion
 - The placement of a student in a location where all of the following conditions are met:
 - The student is placed in an enclosed area by school personnel
 - The student is purposefully isolated from adults and peers
 - The student is prevented from leaving or the student reasonably believes that such student will be prevented from leaving the enclosed area
 - Timeout is NOT seclusion



When May an Emergency Safety Intervention be Used?

- An emergency safety intervention shall only be used when the student presents a reasonable and immediate danger of physical harm to self or others with the present ability to effect such physical harm and less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances prior to emergency safety intervention being used
- The use of an emergency safety intervention must stop immediately when the danger of physical harm ends
- Violent action that is destructive of property and presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm may necessitate the use of an emergency safety intervention
- An emergency safety intervention must not be used for discipline, punishment, or the convenience of a school employee



Requirements for the Use of Seclusion

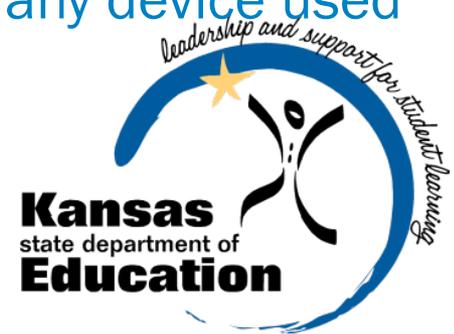
- When a student is placed in seclusion, a staff member must be able to see and hear the student at all times.
- All seclusion rooms that have a locking door must be designed to ensure that the lock automatically disengages when the staff member watching the student walks away or in cases of emergency such as fire or severe weather.
- If a school uses a seclusion room it must be a safe place, free of any dangerous conditions, well-ventilated, and sufficiently lighted.



Prohibited Types of Restraint

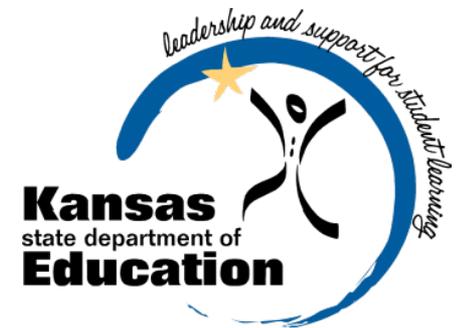
The following types of restraint shall be prohibited:

1. Prone, or face-down, physical restraint;
2. Supine, or face-up, physical restraint;
3. Any restraint that obstructs the airway of a student;
4. Any restraint that impacts a student's primary mode of communication;
5. Chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments; and
6. 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 law enforcement officer in carrying out law enforcement duties, and seatbelts and any other safety equipment when used to secure students during transportation.



Presence of a Medical Condition

- 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. For example, a student with written documentation that the use of an emergency safety intervention would cause mental or physical danger who attempts to run out into a busy street may be restrained for safety.
 - 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.



Required Parent Notification

- **Same day parent notification**
 - The school shall attempt to contact the parent using at least **two methods of contact on the day in which the emergency safety intervention occurs**. The school staff should document these attempts.
 - The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contact.
 - A parent may **designate a preferred method** of contact to receive the same-day notification required by this subsection.
 - A parent may **agree, in writing**, to receive only **one same-day notification from the school for multiple incidents occurring on the same day**.



Timing for a Parent Meeting

- If a parent requests a meeting to discuss an emergency safety intervention incident, the meeting must be called within **10 school days**.
- The time for calling this meeting shall be **extended** beyond the 10 school day limit **if the parent is unable to attend** within that time period.



LEO or SRO Parent Notification

- **Parent notification if a law enforcement officer or school resource officer used seclusion, physical restraint, or mechanical restraint**
 - If the school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the **school must notify the parent the same day** using the parent's preferred method of contact for emergency events.
 - The school is **not required to provide the documentation of the incident or the information** to the parent.
 - This use of seclusion, physical restraint, or mechanical restraint by a law enforcement officer or school resource officer is not required to be reported to KSDE.
 - Mechanical restraint includes the use of handcuffs.



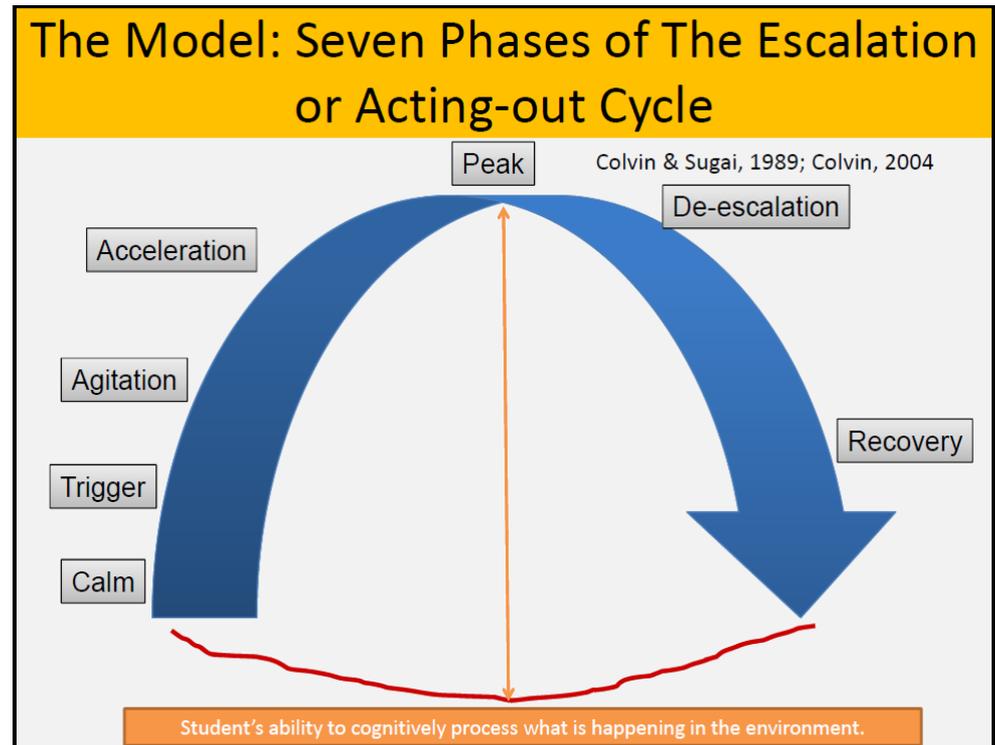
A Focus on Prevention

- KSDE does not promote the use of emergency safety intervention with any student.
- KSDE recommends a focus on prevention because there are REAL DANGERS when using emergency safety intervention.
- Emergency safety intervention is **not** part of a tiered intervention system or student behavior plan – it is **ONLY** to be used in an **EMERGENCY**.
- Emergency safety interventions are reactive strategies and do not decrease the likelihood of a behavior from occurring.



A Focus on Prevention

- Focus on using proactive strategies to support students, including positive behavior interventions and supports.
- De-escalation is helpful to begin to identify acting out behavior early and use proactive strategies to decrease the use of seclusion and restraint.



State-Wide Contact Information

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