

# Mulvane Public Schools

## USD 263

### Emergency Safety Intervention Parent Information

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If an emergency safety intervention was used with a student, we invite and strongly encourage parents to schedule a meeting to discuss the incident and how to prevent future use of emergency safety interventions in the future. A parent can request and schedule this meeting by referring to the back page of this packet for information regarding who to contact. This meeting will be scheduled no later than 10-school days from when the parent makes a request to meet unless the parent is unavailable to meet during that time frame.

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**Mulvane Public Schools**

**<http://www.usd263.com>**

**Raquel Greer: Director of Special Education**

**316-777-0256**

**[rgreer@usd263.org](mailto:rgreer@usd263.org)**

# **Documents Included in this Packet**

District Emergency Safety Intervention Policy  
Including dispute resolution process

Standards for the Use of Emergency Safety Interventions

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

Local Dispute Resolution Guide for Parents

State Board Administrative Review Process

State Administrative Review Guide for Parents

State and Community Resources

**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. 72-8222, 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.

“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;

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

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

- 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.

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



**Mulvane USD 263  
Emergency Safety Interventions  
Local Dispute Resolution Process**

Parents/guardians/students of age of majority initiate USD 263 local dispute process by completing an Informal Parent Complaint Form. The Informal Parent Complaint Form can be obtained from the principal of the student's school. The Informal Parent Complaint Form must be signed and returned to the aforementioned principal.

The principal will schedule an informal dispute resolution meeting with any parent who signed the aforementioned Parent Complaint Form. The results and/or corrective actions agreed upon by principal and parents are documented on the Informal Administrative Dispute Resolution Report. The original copy of the Administrative Dispute Resolution Report is sent to the Superintendent of USD 263 and copies of the aforementioned documents are given to parent(s) of student and building administrators.

A Formal Parent Complaint Form is completed when building principal and parent cannot come to a resolution with respect to the need for the use of an Emergency Safety Intervention conducted on a student and principal and parent cannot agree on appropriate corrective actions. The Formal Parent Complaint Form is available at any district school. Parents must complete, sign, and return the Formal Parent Complaint Form to the Clerk of the Board of Education. The Clerk of the Board processes the Formal Complaint Form and provides original aforementioned document to the President of the Board of Education. Copies of the Formal Complaint Form are provided to student's parents, student's principal, Superintendent of Schools, and Clerk of the Board.

The President of the Board of Education will assign an investigator to review aforementioned Emergency Safety Intervention formal complaint after he/she has received a copy of the aforementioned document from the Clerk of the Board. The investigator shall complete his/her report within thirty (30) days of receipt of the formal written complaint from the Clerk of the Board and the district's Superintendent of Schools. The investigator's report is sent to the Board of Education, Superintendent of Schools, Clerk of the Board of Education, student's building principal and student's parents.

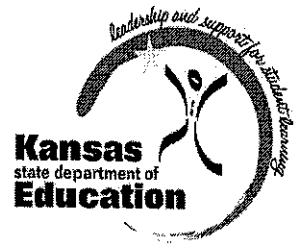
USD 263's Board of Education will report findings of fact and, if necessary, corrective action to parents, school principal, and the Kansas State Board of Education within thirty (30) days of receipt of formal written complaint.

It should also be noted that parents may initiate the ESI State Board of Education complaint process during this local dispute resolution process.

9/25/2016

# Standards for the use of Emergency Safety Interventions

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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.

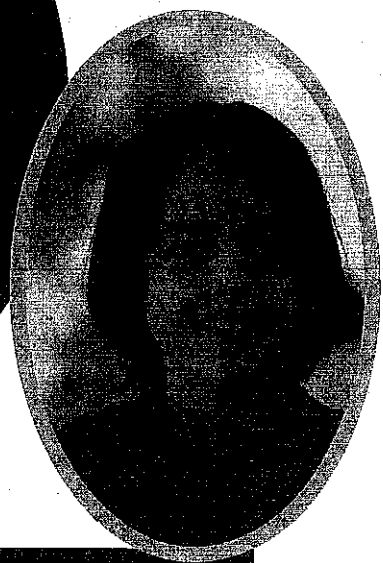
If a seclusion room has a locking door it must be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, such as fire or severe weather.

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.

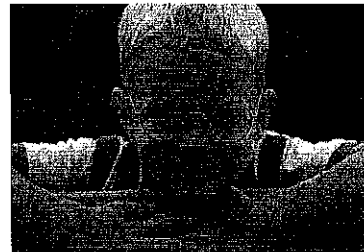


**A Family Guide to  
the Use of  
Emergency Safety  
Interventions  
(Seclusion and  
Restraint) in Kansas**



## 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.



### What is Seclusion?

Seclusion means placement of a student in a location where all the following conditions are met:

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

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.

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

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

### 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.
- 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 ESIs.
- 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. You may use this form if you wish, <http://ksdetasn.org/resources/843>.



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

- The school must notify the parent the same day the ESI was used. If the school is unable to contact the parent, 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 no later than the school day following the day on which the emergency safety intervention 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
  - 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, Inc. and the Disability Rights Center of Kansas.



## 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 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.

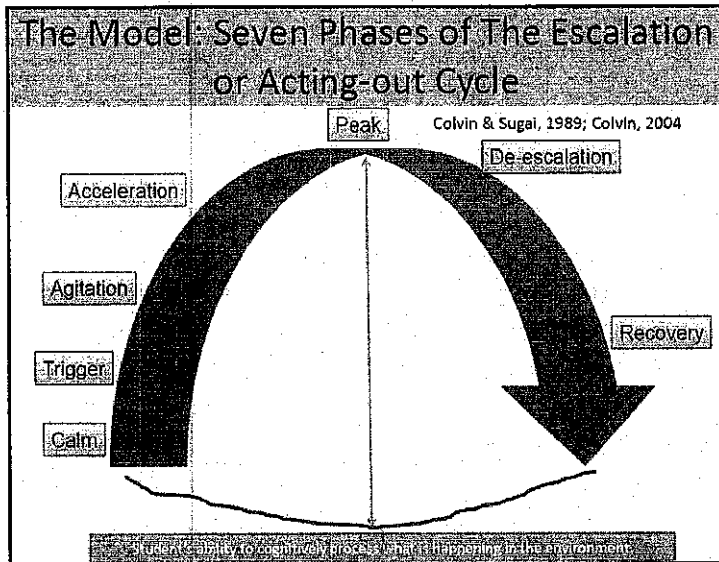
## What are the Emergency Safety Intervention Meeting Requirements for Students Parentally Placed in Private Schools?

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.

## Are Students Required to Attend the Meeting?

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

# A Focus on Prevention



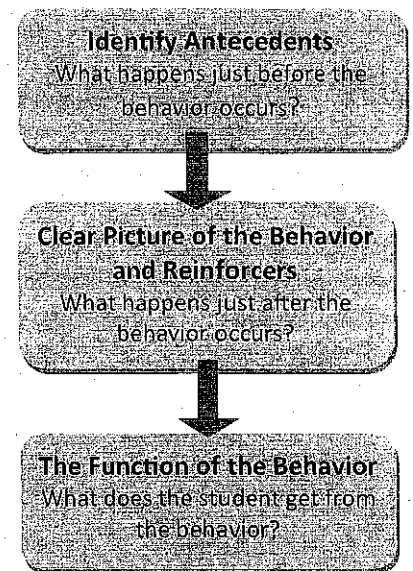
De-escalation is helpful to begin to identify acting out behavior early and use proactive strategies to decrease the use of seclusion and restraint.

## 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 upon 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 evaluation of 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.



**Tip!**

An FBA can be conducted at any time for a student who does not respond to school-wide behavioral interventions. Following the assessment, a behavior intervention plan may be developed. As a parent, you have the right to request an FBA.

# A Focus on Prevention



## 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 and instructive and based upon 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
- Teach appropriate replacement behaviors

## Replacement Behaviors

A replacement behavior is when a student replaces an inappropriate behavior with an appropriate one that continues to serve the same function for the student. When selecting replacement behaviors, the team should address the following questions:

- Does the replacement behavior work as well as the challenging behavior in meeting the student's needs?
- Will it be an acceptable alternative to the challenging behavior?
- Will the replacement behavior be something the student will choose to do and that his or her family and teachers support?
- Will the replacement behavior help build a positive reputation for the student?

Students should be recognized and rewarded for choosing to utilize replacement behaviors to be most effective.



## 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 that
- emergency safety interventions are reactive strategies and do not decrease the likelihood of a behavior from occurring.

**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.



**Where can I find out more information about  
Emergency Safety Interventions  
(Seclusion and Restraint)?**



**Families Together, Inc.**

[www.familiestogetherinc.org](http://www.familiestogetherinc.org)

**Topeka Parent Center**

1-800-264-6343

[topeka@familiestogetherinc.org](mailto:topeka@familiestogetherinc.org)

**Wichita Parent Center**

1-888-815-6364

[wichita@familiestogetherinc.org](mailto:wichita@familiestogetherinc.org)

**Garden City Parent Center**

1-888-820-6364

[gardencity@familiestogetherinc.org](mailto:gardencity@familiestogetherinc.org)



**Kansas  
Parent  
Information  
Resource  
Center**

**Kansas Parent Information  
Resource Center (KPIRC)**

1-866-711-6711

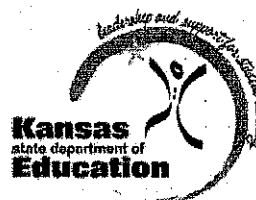
[www.kpirc.org](http://www.kpirc.org)

**Kansas State Department  
of Education (KSDE)**

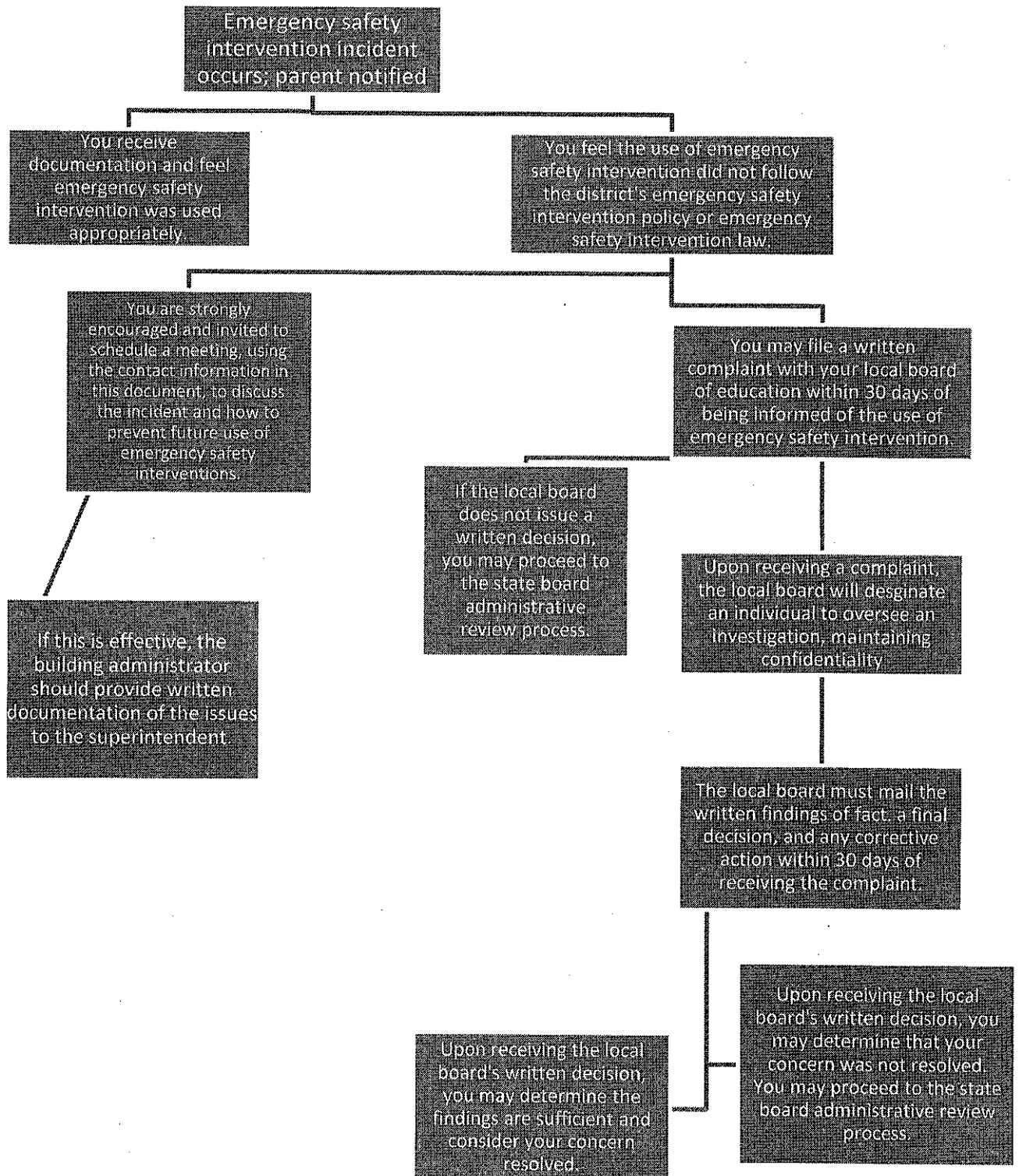
1-800-203-9462

[www.ksde.org](http://www.ksde.org)

[www.ksdetasn.org](http://www.ksdetasn.org)



# Local Dispute Resolution Guide for Parents



Mulvane USD 263

Emergency Safety Interventions

Informal Dispute Resolution

Informal Parent Complaint Form

Student Information:

Student: \_\_\_\_\_

Student DOB: \_\_\_\_\_

Student Gender: \_\_\_\_\_

Student Race: \_\_\_\_\_

Student School: \_\_\_\_\_

Student Grade: \_\_\_\_\_

Student Teacher 1: \_\_\_\_\_

Student Teacher 2: \_\_\_\_\_

Student Teacher 3: \_\_\_\_\_

Student Teacher 4: \_\_\_\_\_

Student Teacher 5: \_\_\_\_\_

Student Teacher 6: \_\_\_\_\_

Please Check Type of Complaint:

Physical Restraint Complaint

Seclusion Complaint

Physical Restraint and Seclusion Complaint

Written Description of Complaint and/or Incident:

(Please be specific and include all staff involved, date and time of incident, and location of incident)

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Print Name (Parent/Guardian/Student of Age of Majority) \_\_\_\_\_

Signature \_\_\_\_\_

Date Filed Complaint \_\_\_\_\_

7/15/2013

Mulvane USD 263

Written Description of Complaint and/or Incident:

(Please be specific and include all involved staff, and date, time and location of incident. Also, discuss and/or attach Informal Administrative Dispute Resolution Report).

[illegible]

Print Name (Parent/Guardian/Student of Age of Majority)

\_\_\_\_\_

Signature

Date Filed Complaint \_\_\_\_\_

Date Received by Clerk of Board \_\_\_\_\_ Initials \_\_\_\_\_

Date Received by Superintendent \_\_\_\_\_ Initials \_\_\_\_\_

Original TO: President of School Board

Copies TO: Parents, Superintendent, Clerk of Board, and Building Administrator

7/15/2013

## **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 Emergency Safety Interventions page of the KSDE website, [www.ksde.org/Default.aspx?tabid=524](http://www.ksde.org/Default.aspx?tabid=524).
- 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 action 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](http://www.ksde.org/Default.aspx?tabid=524).

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.

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

## 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.

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](http://www.ksdetasn.org)

[www.ksde.org/Default.aspx?tabid=524](http://www.ksde.org/Default.aspx?tabid=524)

### **Emergency Safety Intervention Questions:**

Laura Jurgensen

Kansas State Department of Education

[ljurgensen@ksde.org](mailto:ljurgensen@ksde.org)

785-296-5522

### **Parent Training and Information Center:**

Families Together

<http://familiestogetherinc.org/>

888-815-6364

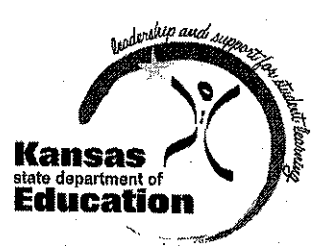
### **Protection and Advocacy System:**

Disability Rights Center of Kansas

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

877-776-1541 or 785-273-9661

# Parent Requests for Emergency Safety Intervention Notification



Student's Name: \_\_\_\_\_

Student's KIDS Student ID: \_\_\_\_\_

**Preferred Method of Contact for Same-Day Notification:** Emergency safety intervention law, at K.S.A. 2016 Supp. 72-89d04(a)(1), requires that when an emergency safety intervention is used with a child, the school must notify the parent on the same day the emergency safety intervention was used. The parent may designate a preferred method of contact to receive this same-day notification. Examples of methods of contact could include by phone, email, text message, or another method. Please ensure that the correct contact information for your preferred method of contact is on file in the school office. Please indicate your preferred method of contact below:

\_\_\_\_\_  
(Signature of Parent) \_\_\_\_\_ (Date)

**One Same-Day Notification for Multiple Incidents:** I agree to receive only one same-day notification from the school for multiple emergency safety intervention incidents occurring on the same day.

\_\_\_\_\_  
(Signature of Parent) \_\_\_\_\_ (Date)

**Request to Receive Parent Information by Email:** Emergency safety intervention law, at K.S.A. 2016 Supp. 72-89d04(a)(2), requires that after the first incident in which an emergency safety intervention is used during the school year the school must provide the parent with the following information in printed form:

- (1) A copy of the standards of when emergency safety interventions 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 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.

**I request that upon the first occurrence of an emergency safety intervention incident with my child this school year that the school provide me with this required information by email. I agree to keep my current email address on file in the school office.**

\_\_\_\_\_  
(Signature of Parent) \_\_\_\_\_ (Date)

# 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 could 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. 2016 Supp. 72-89d03(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 SAETY INTERVENTIONS (attach additional sheets if necessary):