



## Attention Staff!

An **Emergency Safety Intervention (ESI)** is the use of seclusion or restraint with ANY student.

- Since April 2013, school staff have been required to comply with ESI **regulations** developed by the Kansas State Board of Education. These regulations have been amended. K.A.R. 91-42-1 to 91-42-7.
- In 2015, the Kansas Legislature passed **statutes** on ESI. These statutes have been amended effective July 1, 2016.
- The changed requirements include additional documentation following an incident and changes to the meeting requirements.
- Take time during the beginning of the school year to become familiar with the changes to the ESI statutes and regulations. Please speak to your administrator about how the new requirements will affect you.
- Go to your school's website and find and review the ESI policy developed by your local school board.
- The Kansas State Department of Education (KSDE) and the Technical Assistance System Network (TASN) put together resources to help you navigate the requirements of the ESI law. Please visit <http://ksdetasn.org/> to access the ESI law, guidance documents, webinars, and handouts from training sessions.
  - Helpful documents include:
    - ESI law, including statutes and regulations
    - ESI standards document
    - Family Guide on the Use of ESI
    - Templates for parent notification
    - Sample ESI incident documentation form
    - Spreadsheet for recording ESI data that must be reported to KSDE
    - *Updated guidance document (Coming soon!)*

For more information, contact Laura Jurgensen at [ljurgensen@ksde.org](mailto:ljurgensen@ksde.org) or 785-296-5522

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 SW Jackson, Suite 102, Topeka, Kansas 66612; 785-296-3201.



## Emergency Safety Interventions Key Requirements from the ESI Law

### 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. The term physical restraint does not include a physical escort. 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.

The use of prone (face-down) physical restraint, supine (face-up) physical restraint, physical restraint that obstructs the airway of a student, or any physical restraint that impacts a student's primary mode of communication is **prohibited**.

### Mechanical Restraint (Prohibited):

Any device or object used to limit a student's movement. This term does not include those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law. This term also does not include 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.

### Chemical Restraint (Prohibited):

Use of medication to control a student's violent physical behavior or restrict a student's freedom of movement. This term does not include prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments.

### Seclusion:

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 adults and peers; and (3) the student is prevented from leaving, or the student reasonably believes that the student will be prevented from leaving, the enclosed area. It does not include a time-out, which is a behavioral intervention in which a student is temporarily removed from a learning activity without being secluded. 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.

### Standards for the Use of ESI

- ESI 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
- Less restrictive alternatives, such as positive behavior interventions support, must be deemed inappropriate or ineffective under the circumstances prior to ESI being used
- Use of ESI must stop immediately when the danger of physical harm ends
- Violent action that is destructive of property may necessitate the use of ESI
- ESI must not be used for discipline, punishment, or the convenience of a school employee
- ESI may not be used with a student if the student's licensed health care provider has given the school a written statement that the student has a medical condition that could put the student in mental or physical danger if ESI is used with that student.

July 2016



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