



Emergency Safety Intervention Parent Information

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. A parent can request and schedule this meeting by going to the back page for the person to contact who will work to schedule this meeting with the required participants. This meeting will be scheduled no later than 10-school days from when the parent makes the request unless the parent cannot meet within that time frame.

Topeka Public Schools

**[https://sites.google.com/a/tps501.org/tpsesi/
home](https://sites.google.com/a/tps501.org/tpsesi/home)**

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Table of Contents

Standards of When ESI May Be Used

Page 3

Parents' Rights Flyer

Page 5

Local Dispute Resolution Process

Page 6

Local Dispute Resolution Guide for Parents Page

7

State Board Administrative Review Process Page

8

State Board Administrative Review Guide for Parents Page

10

Contact Information

Page 11

Standards of When Emergency Safety Intervention May Be Used

Standards for the use of Emergency Safety Interventions

The Board of Education is committed to limiting the use of Emergency Safety Interventions (ESI), such as seclusion and restraint, with all students. The Board of Education encourages all employees to utilize other behavioral management tools, including prevention techniques, de-escalation techniques, and positive behavioral intervention strategies. ESI shall not be used unless a student's conduct presents an immediate danger to self or others.

"Emergency Safety Intervention" (ESI) is the use of seclusion or physical restraint, but does not include physical escort or the use of time-out.

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.

PROHIBITED TYPES OF RESTRAINT

All staff members are prohibited from engaging in the following actions with all students:

- A. Using face-down (prone) physical restraint;
- B. Using face-up (supine) physical restraint;
- C. Using physical restraint that obstructs the student's airway;
- D. Using physical restraint that impacts a student's primary mode of communication;
- E. Using chemical restraint, except as prescribed treatments for a student's medical or
- F. Use of mechanical restraint, except: psychiatric condition by a person appropriately licensed to issue such treatments ; and 1. 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; 2. Any device used by a certified law enforcement officers to carry out law enforcement duties; or 3. Seatbelts and other transportation.

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, a copy of which has been provided to the school and placed in the student's file, from the student's licensed health care provider. 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 these provisions, a student may be subjected to ESI if failing to use ESI would result in significant physical harm to the student or others.

USE OF SECLUSION

- A. When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.**
- B. 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.**
- C. A seclusion room shall be a safe place with proportional and similar characteristics as other rooms students frequent. Such room shall be free of any condition that could be a danger to the student, well-ventilated and sufficiently lighted.**

More more information, see Topeka Public School Policy 8120.

Parents' Rights Flyer

See attached, the document created by Families Together and the Kansas State Department of Education titled "A Family Guide to the Use of Emergency Safety Interventions (Seclusion and Restraint) in Kansas" or download the flyer at <http://ksdetasn.org/resources/409>;

Local Dispute Resolution Process

A. 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.

B. 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 of Education. Once an informal complaint is received, the administrator handling such complaint shall investigate the 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.

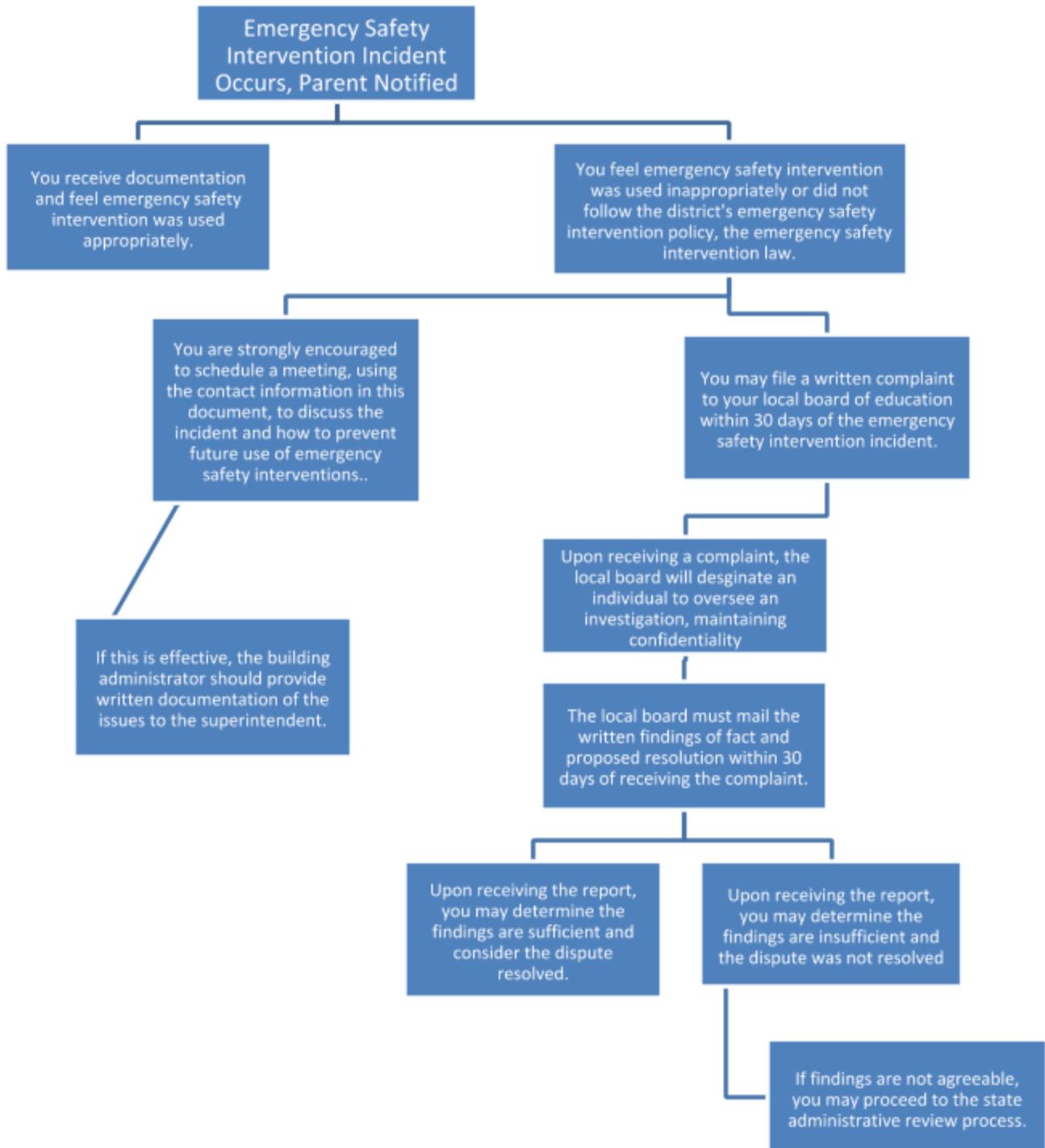
C. If the issues are not resolved informally with the building principal and/or the superintendent, the parents may submit a formal written complaint to the Board of Education by providing a copy of the complaint to the clerk of the Board and the superintendent within thirty (30) days after the parent is informed of the incident.

D. 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 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 of Education in executive session.

E. 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 of Education shall adopt a report containing 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 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.

F. 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 the local dispute resolution process.

Local Dispute Resolution Guide for Parents



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 (KSBE).

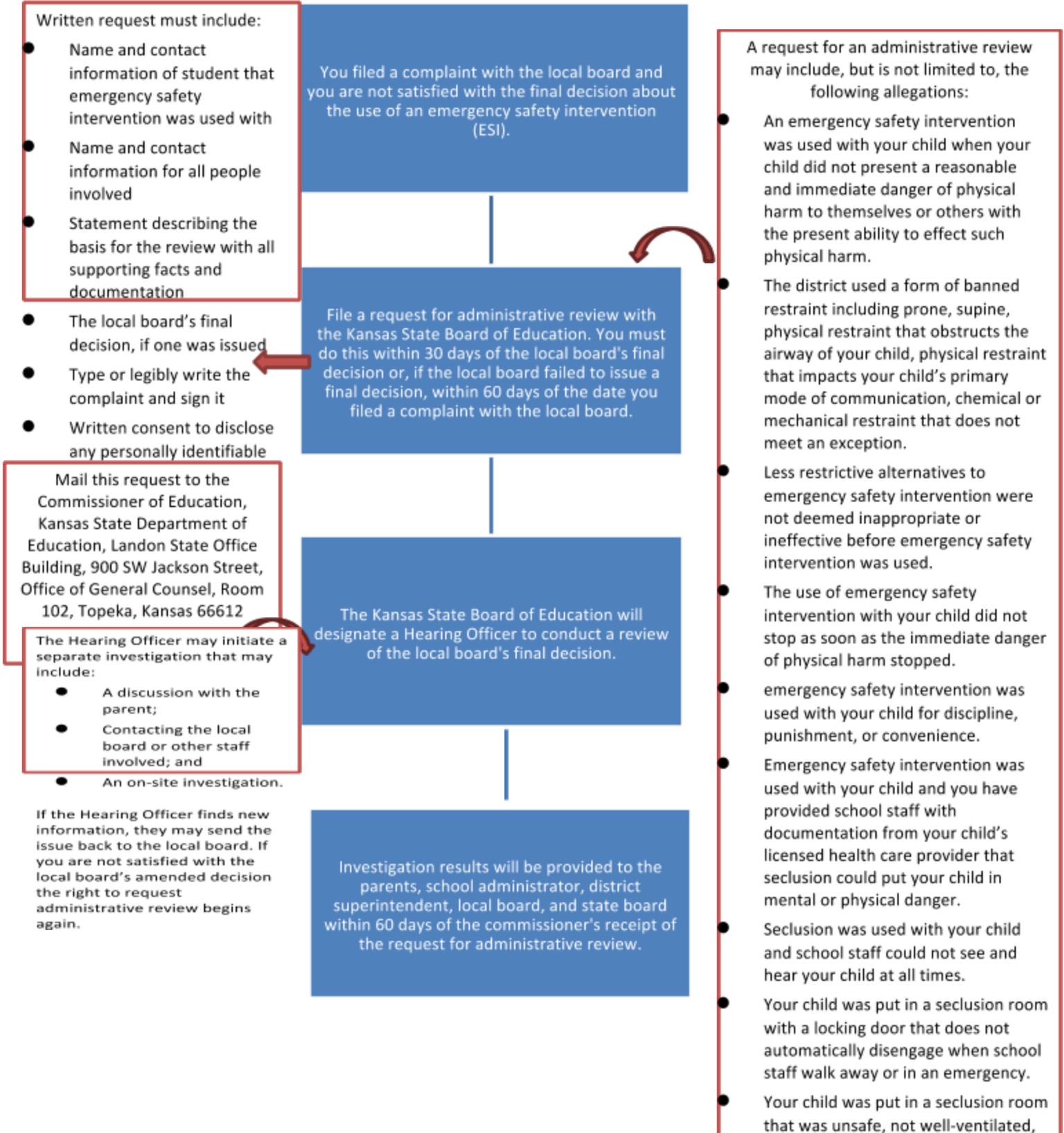
- If a parent believes an emergency safety intervention was used in violation of K.S.A. 2016 Supp. 72-89d01 through -89d09 or K.A.R. 91-42-1 through -7 and the parent filed a written complaint with their local board of education, then this parent may request an administrative review of the local board's decision from KSBE.
 - 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.
- A Hearing Officer will be designated by KSBE. 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 active is necessary to ensure that local board policies meet legal requirements.

State Administrative Review Guide for Parents



Contact Information

Local

District Administrator Contact for Emergency Safety Intervention Questions

Dr. Jennifer S. Harrington
(785) 295-3089
jharrington@tps501.org

School Administrator Contact for Emergency Safety Intervention Questions or to Schedule a Meeting to Discuss the Use of Emergency Safety Intervention

[Name]
785-
@tps501.org

<https://sites.google.com/a/tps501.org/tpsesi/home>

State

General Emergency Safety Intervention Information:

www.ksdetasn.org
www.ksde.org/Default.aspx?tabid=524

Emergency Safety Intervention Questions:

Laura Jurgensen or Julie Ehler
Kansas State Department of Education
ljurgensen@ksde.org or jehler@ksde.org
785-296-5522 or 785-296-1944

Parent Training and Information Center:

Families Together
<http://famiestogetherinc.org/>
888-815-6364

Protection and Advocacy System:

Disability Rights Center of Kansas
<http://www.drckansas.org/>
877-776-1541 or 785-273-9661