

EMERGENCY SAFETY INTERVENTION REQUIREMENTS CHECKLIST

Name and Title: _____

USD Number and Building Name: _____

Date Completed: _____

Directions: You may use this checklist as a self-assessment to determine whether your building has all required components of emergency safety intervention law in place. Complete the checklist by recording Y for Yes, N for No, and NA for Not Applicable under "In Place?" for each item on the checklist. You should have written or electronic documentation of policies, procedures, or forms for items marked Y on the checklist.

Emergency Safety Intervention (ESI) General Policy Requirements

In Place?	Emergency Safety Intervention (ESI) General Policy Requirements
	1. The district has developed and implemented written policies to govern the use of emergency safety intervention for all schools and all students. Written policies have been updated to align with current emergency safety intervention statutes and regulations.
	2. All required definitions are included in district emergency safety intervention policies and those definitions conform to the emergency safety intervention revised statutes and regulations.
	3. Physical restraint is defined as 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.

In Place?	Emergency Safety Intervention (ESI) General Policy Requirements
	<p>4. Seclusion is defined as placement of a student for any reason other than for in-school suspensions or detention or any other appropriate disciplinary measure in a location where both of the following conditions are met:</p> <ul style="list-style-type: none"> • School personnel purposefully isolate the student • The student is prevented from leaving the area of purposeful isolation. Purposefully isolate means that school personnel are not meaningfully engaging with the student to provide instruction and any one of the following occurs: <ol style="list-style-type: none"> i. Removal of the student from the learning environment by school personnel; ii. Separation of the student from all or most peers and adults in the learning environment by school personnel; or iii. Placement of the student within an area of purposeful isolation by school personnel.
	<p>5. Written policies include requirements that seclusion and physical restraint shall be used only when:</p> <ul style="list-style-type: none"> • Student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect physical harm, and • Less restrictive alternatives to emergency safety interventions, 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 emergency safety intervention.
	<p>6. Written policies prohibit use of emergency safety intervention for purposes of discipline, punishment, or for the convenience of a school employee as this does not meet the standard of immediate danger of physical harm.</p>

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	<p>7. Written policies state that a student shall not be subjected to an emergency safety intervention 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. Such written statement shall 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. Notwithstanding this, a student may be subjected to an emergency safety intervention, if not subjecting the student to an emergency safety intervention would result in significant physical harm to the student or others.</p>
	<p>8. Written policies include prohibition of:</p> <ul style="list-style-type: none"> • Prone, or face-down, physical restraint, • Supine, or face-up, physical restraint, • any restraint that obstructs the airway of a student, • any restraint that impacts a student’s primary mode of communication, • chemical restraint (except as prescribed treatments), or • mechanical restraint (except for protective or stabilizing devices ordered by an appropriately licensed person, device used by law enforcement, and seatbelts and any other safety equipment when used to secure students during transportation).

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	<p>9. Written policies include the following requirements for seclusion:</p> <ul style="list-style-type: none"> • 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 shall not create an exemption from otherwise reporting the incident as seclusion. • When a student is placed in or otherwise directed to an area of purposeful isolation, the student shall have reason to believe that the student is prevented from leaving. • If the area of purposeful isolation is equipped with a locking door designed to prevent a student from leaving the area of purposeful isolation, 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, including fire or severe weather. • Any area of purposeful isolation must be a safe place with proportional and similar characteristics as other 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.
	<p>10. Policies include requirement that use of an emergency safety intervention must cease as soon as the immediate danger of physical harm ceases to exist.</p>
	<p>11. The following shall not be deemed an emergency safety intervention, if its use does not otherwise meet the definition of an emergency safety intervention:</p> <ul style="list-style-type: none"> • Physical escort; and • Time-out.

In Place?	Emergency Safety Intervention (ESI) General Policy Requirements
	12. Policies are in place for a local dispute resolution process, including: <ul style="list-style-type: none"> • A complaint investigation procedure, • A procedure for parents to present written complaints to the local Board of Education (BOE) to initiate complaint investigation by the local BOE, and • A procedure for parents, the school and KSDE to receive written findings of fact and, if necessary, corrective action from the local BOE within 30 days of filing of a complaint by a parent.
	13. Policies include a statement of the parent’s right to request administrative review by the state board as set forth in K.A.R. 91-42-5 including when such request must be received by the state board.
	14. Parents are provided annually with notice of the district’s written policies on the use of emergency safety interventions.
	15. District has created a place on the school’s website that includes the following: <ul style="list-style-type: none"> • The district’s emergency safety intervention policy • A flyer on parents’ rights under emergency safety intervention law • Information on a parent’s right to file a complaint through the local dispute resolution process and the Kansas State Board of Education’s (State Board) administrative review process • Information that will assist a parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas
	16. The district written ESI policy is included in the school’s code of conduct, school safety plan, or student handbook.

Emergency Safety Intervention (ESI) Training Requirements

In Place?	Emergency Safety Intervention (ESI) Training Requirements
	17. School personnel training addresses prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.
	18. Training is consistent with nationally recognized training programs.
	19. Training is designed to meet the needs of personnel as appropriate to their duties.
	20. All school personnel are trained to some degree.
	21. School maintains documentation on training provided.
	22. School maintains lists of participants for all trainings.

Emergency Safety Intervention (ESI) Documentation and Parent Notification

In Place?	Emergency Safety Intervention (ESI) Documentation and Parent Notification
	23. School correctly applies definitions to determine incidents of seclusion.
	24. School correctly applies definitions to determine incidents of physical restraint.
	25. School correctly documents and reports as restraint any occurrences of fighting where general education students are separated by district staff.
	26. Documentation of each incident of emergency safety intervention includes: <ul style="list-style-type: none"> • Events leading up to the incident, • Student behaviors that necessitated the emergency safety intervention, • Steps taken to transition the student back into the educational setting, • Date and time of intervention, • Type of intervention, • Length of time the intervention was used, and • School personnel who participated in or supervised the intervention.
	27. Parents are notified (or the school attempts at least two methods of contact) on the same day an emergency safety intervention incident occurs.
	28. Written documentation is provided to a parent no later than the school day following the incident. This written documentation includes a space or an additional form for parents to provide feedback or comments to the school regarding the incident and 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. Email and phone information for the parent to contact the school to schedule an emergency safety intervention meeting is also included.
	29. After the 1 st emergency safety intervention incident in a school year with every student, the school sends printed copies, or email upon the parent’s request, to the parent no later than the day after the event, including the following information: <ul style="list-style-type: none"> • A copy of the standards of when seclusion or restraint can be used (you could use the district’s emergency safety intervention policy) • A flyer of the parent’s rights under emergency safety intervention law • Information about the local dispute resolution process • Information about the State Board’s administrative review process • Information to assist parents in navigating the dispute resolution process, including contact information for Families Together and the Disability Rights Center of Kansas
	30. After a subsequent emergency safety intervention incident in a school year, the school provides the complete website address where all emergency safety intervention documents listed above are contained.
	31. Parents are notified on the same day that the school is made aware of a law enforcement officer or school resource officer using physical restraint, seclusion, or mechanical restraint with a student.

Emergency Safety Intervention (ESI) Meeting Requirements

In Place?	Emergency Safety Intervention (ESI) Meeting Requirements
	<p>32. If a parent requests a meeting with the school for a student who has an IEP, the school convenes a meeting of the student's IEP team within 10 school days of the incident. The parent will determine whether the student will be invited to this meeting. All required notices for IEP team meetings are followed. At this meeting, the team:</p> <ul style="list-style-type: none"> • Discusses and debriefs the incident, • Considers whether a functional behavioral assessment (FBA) needs to be conducted or updated, and • Considers whether a behavior intervention plan (BIP) needs to be developed or updated.
	<p>33. If a parent requests a meeting with the school for a student who has a 504 plan, the school convenes a meeting of the student 504 team within 10 school days of the incident. The parent will determine whether the student will be invited to this meeting. At this meeting, the team:</p> <ul style="list-style-type: none"> • Discusses and debriefs the incident, • Considers whether a FBA needs to be conducted or updated, • Considers whether a BIP needs to be conducted or updated, and • Considers the need for a special education evaluation.
	<p>34. If a parent requests a meeting with the school for a student who <u>does not</u> have an IEP or 504 plan, the school convenes a meeting with the following individuals within 10 school days of the incident:</p> <ul style="list-style-type: none"> • Parent, • School administrator for the school where the student attends, • Teacher of the student, • School employee involved in the incident, and • Other school employees designated by the school administrator. <p>The parent will determine whether the student will be invited to this meeting. At this meeting, the group:</p> <ul style="list-style-type: none"> • Discusses and debriefs the incident, • Considers the appropriateness of a referral for a special education evaluation, • The need for an FBA, and • The need for a BIP.
	<p>35. If a parent requests a meeting regarding their child who have an IEP and has been parentally placed in a private school, the meeting will include the parent and the private school. At this meeting, the group:</p> <ul style="list-style-type: none"> • Discusses and debriefs the incident and • Considers whether the parent should request an IEP team meeting. <p>If the parent requests an IEP team meeting, the private school will help facilitate such meeting.</p>

Emergency Safety Intervention (ESI) Data Reporting and Review

In Place?	Emergency Safety Intervention (ESI) Data Reporting and Review
	36. Procedures are established for the collection, maintenance, and periodic review of the use of emergency safety interventions at each school, including the documentation collected.
	37. Information maintained by the school is compiled and submitted, at least biannually, to the district superintendent or district designee.
	38. All incidents of emergency safety interventions, for all students for which this building is responsible regardless of where the student attends, were reported to KSDE through the KIAS web application by the reporting dates set by KSDE.
	39. Documentation of the school's or district's use of emergency safety interventions has been provided to KSDE upon written request of KSDE.
	40. Procedure established for this building to collect emergency safety interventions documentation on any student for which it is responsible that attends a different building (whether in- or out-of-district) and then report those incidents to KSDE.
	41. Procedure established for this building to disseminate emergency safety intervention documentation to a student's responsible building for any student that attends in this building, but whose responsible building is elsewhere (whether in- or out-of-district). This documentation was disseminated in time for the student's responsible building to complete its reports to KSDE.
	42. Any cooperative, interlocal, or independent contractor that serves district students has provided information to parents regarding the appropriate venue for investigation and resolution of a complaint.

Questions on Emergency Safety Intervention Requirements?

Review the ESI Regulations Cheat Sheet (rev. 7/6/23) at www.ksde.org

or

Contact Trisha Backman at tbackman@ksde.org

Additional emergency safety intervention information and training materials are located at www.ksdetasn.org

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