



Changes in Emergency Safety Intervention Requirements

This document is designed to provide information about and to support your school in complying with the emergency safety intervention requirements under the 2016 amendments to the emergency safety intervention statutes and regulations. This document does not list every requirement of the emergency safety intervention statutes and regulations. In addition, in order to ensure your school has met the requirements of the emergency safety intervention statutes and regulations, the Kansas State Department of Education (KSDE) suggests contacting district leadership and attorney for your school district.

Review the Changes

- Evaluate your district's emergency safety intervention policy. Ensure it aligns with the emergency safety intervention statutes and the Kansas State Board of Education's (State Board) emergency safety intervention regulations. Your local board of education must update the district's emergency safety intervention policy as soon as possible and no later than the beginning of the 2016–17 school year.
- Review your district's local dispute resolution process for emergency safety intervention. Collect all relevant documents to assist families in understanding this process and navigating it.
- KSDE has created a PowerPoint that you may use to familiarize yourself with the changes to emergency safety intervention law and to train your staff on these changes. You can find this PowerPoint on the KSDE Technical Assistance System Network (TASN) website, <http://ksdetasn.org/resources/407>.

Update District Documents

- Create, or use a KSDE and Families Together template of, a flyer on parents' rights under emergency safety intervention laws. You can find the KSDE and Families Together template in both English and Spanish on the KSDE TASN website, <http://ksdetasn.org/resources/409>.
- Create or update a place on the school's website to post the district's emergency safety intervention policy. Also post a document containing the standards of when emergency safety intervention may be used, a flyer on parents' rights under emergency safety intervention laws, information on a parent's right to file a complaint through the local dispute resolution process for emergency safety intervention and the State Board's administrative review process, and information that will assist a parent in navigating these processes, including contact information for Families Together and the Disability Rights Center of Kansas. You can find a sample template of these documents on the KSDE TASN website, <http://ksdetasn.org/resources/393>.
- Inform ALL staff of changes in the use of emergency safety intervention and develop procedures for contacting district leadership and parents about emergency safety intervention incidents. Identify the internal chain of command for the school and district to notify leadership of emergency safety intervention incidents.
- It may be helpful to create, or modify this document to create, a flyer for staff regarding the changes in emergency safety intervention law.
- Develop a procedure for contacting parents about emergency safety intervention incidents. **Parents must always be contacted the same day that an emergency safety intervention**

occurs. The same-day notification requirement is satisfied if the school attempts two methods of contact.

- Note that **campus police officers and school resource officers are exempt** from the requirements of emergency safety intervention law when engaged in an activity that has a legitimate law enforcement purpose. The school is required to notify the parent the same day when the school is aware a law enforcement officer or school resource officer used seclusion, physical restraint, or mechanical restraint on a student (see paragraph 3 below). However, **school security officers are not exempt from the requirements and staff must follow all of the requirements when a school security officers uses an emergency safety intervention with a student.**

Use of emergency safety intervention prohibited with a student 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 school must have prior knowledge of the medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention.
- The existence of the medical condition must be indicated in a written statement from the student’s licensed health care provider, and a copy of statement must 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. You can find a template that you may provide to a student’s licensed health care professional for documenting a known medical condition that could put the student in mental or physical danger as a result of using an emergency safety intervention on the KSDE TASN website, <http://ksdetasn.org/resources/843>.

EXCEPTION: the school may use an emergency safety intervention with a student with a known medical condition that could put the student in mental or physical danger as a result of the emergency safety intervention, if not using an emergency safety intervention would result in significant physical harm to the student or others. For example, a student with a documented medical condition who attempts to run out into a busy street may be restrained for safety.

Parent notification after each emergency safety intervention incident

1. The parent must be contacted the **same day the emergency safety intervention was used**. The same-day notification requirement is 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. A parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.
2. Information that must be provided to the parent **no later than the school day following the day on which the emergency safety intervention was used**.

- **Written documentation** of the emergency safety intervention incident must include:

- The events leading up to the incident;
- student behaviors that necessitated the use of the emergency safety intervention;
- steps taken to transition the student back into the educational setting;
- the date and time the incident occurred;
- the type of emergency safety intervention used and the duration of the incident;

If the triggering issue necessitating the emergency safety interventions is the same, schools may group incidents together when documenting these three items.

- the school personnel who used or supervised the emergency safety intervention;
- Space 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, and the email and phone number for the parent to contact the school to schedule a meeting.
- KSDE interprets “written documentation” to mean printed or electronic.
- KSDE has created a sample documentation form that is available for your use on the KSDE TASN website, <http://ksdetasn.org/resources/389>.
- Parent Information.** Upon the first occurrence during the school year of the use of an emergency safety intervention with a student, the information below must be provided in **printed form, or upon the parent’s written request, by email. Upon subsequent occurrences during the school year, the school must provide the parent with a full and direct website address** with the following information:
 - A copy of the standards of when an emergency safety intervention can be used;
 - A flyer of parents’ rights under emergency safety intervention law;
 - Information about the parent’s right to file a complaint under the local dispute resolution process for emergency safety intervention;
 - Information about the process to request administrative review of a local board’s dispute resolution decision by the State Board; and
 - Information to assist parents in navigating the dispute resolution process, including contact information for Families Together and the Disability Rights Center of Kansas.
- You can find a sample template of these documents on the KSDE TASN website, <http://ksdetasn.org/resources/393>.

3. 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:

- In this situation, mechanical restraint includes, but is not limited to, the use of handcuffs.
- The school **shall** notify the parent the same day using the parent’s preferred method of contact.
- The school **is not** required to provide written documentation of the incident, or the additional parent information.
- The school **is not** required to report these incidents to KSDE.

Parent Meeting

After each incident, a parent may request a meeting with the school to discuss and debrief the incident:

- The request may be verbal, written, or electronic.
- The school must hold the meeting within **10 school days** of the request, unless the parent is unable to attend within that time period.
- The focus of the meeting must include discussion of proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.
- If the student **has an individualized education program (IEP)**, the IEP team shall meet to discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence.

- If the student **has an IEP and is parentally placed in a private school**, the meeting shall 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.
- If the student **has a 504 plan**, the 504 team shall meet to discuss:
 - The incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence; and
 - the need for a special education evaluation.
- If the student **does not have** an IEP or 504 plan, the parent and school staff, as defined in the statute, shall discuss:
 - The incident and consider the appropriateness of a referral for a special education evaluation; and
 - whether there is a need for a functional behavioral analysis or a behavior intervention plan.
- The **parent will decide if the student should be invited** to the meeting, if the student is under 18 years old.

Questions on Emergency Safety Intervention Requirements?

Please contact Laura Jurgensen at (785) 296-5522 or ljurgensen@ksde.org, or Julie Ehler at (785) 296-1944 or jehler@ksde.org

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

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