

Emergency Safety Intervention (ESI) Policy

The Catholic Diocese of Wichita is committed to limiting the use of Emergency Safety Interventions (“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 CSO 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 schools 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.

A. Definitions:

“Emergency Safety Intervention” is the use of seclusion or physical restraint when a student presents an immediate danger to self or others. Violent action that is destructive of property or presents an immediate danger to self or others may necessitate the use of Emergency Safety Interventions (ESI), the seclusion or physical restraint of a student. ESI should be rarely, if ever, necessary.

For this policy, in accordance with K.A.R. 91-42-2, seclusion occurs if three criteria are met: the student is (1) placed in an enclosed area by school personnel, (2) purposefully isolated from adults and peers (3) prevented from leaving, or reasonably believes that the student will be prevented from leaving, the enclosed area. For purposes of this policy, seclusion does not include in-school suspension or detentions.

For this policy, in accordance with K.A.R. 91-42-2, restraint can be chemical, mechanical or physical. Chemical restraint means the use of medication to control a student’s violent physical behavior or restrict a student’s freedom of movement. Chemical restraint is prohibited in diocesan schools. Mechanical restraint means any device or object used to limit a student’s movement. Mechanical restraint is prohibited unless ordered in writing by a person appropriately licensed to issue the order for the device for a specific student. Physical restraint means bodily force used to substantially limit a student’s movement. Physical restraint should always be a last resort and should never be used as a punishment or discipline, as a means of coercion or retaliation, or as a convenience. Physical restraint that obstructs the airway of the student or impacts their primary mode of communication is prohibited. For the purpose of this policy, physical restraint does not include stopping a fleeing child or escorting a student from the classroom.

B. Training: All schools must provide and document training to school personnel who may need to use ESI. Training must address prevention techniques, de-escalation techniques, and positive behavior intervention strategies. Each school building shall maintain documentation regarding the training that was provided and a list of participants.

C. Notification: When ESI is used with a student, the parent must be notified as quickly as possible. Anytime an ESI is used with a student it must be documented and include: the date and time of the intervention, type of intervention (Seclusion or restraint), length of time (in minutes) the intervention was used, and the name of school personnel who participated in or supervised the intervention. Schools must complete the diocesan incident report and turn it in to the Catholic School Office within 24 hours of the incident.

Parent Notification

After the first ESI incident*, send printed copies to the parent *no later than the day after the event* including the following information:

Documentation of the ESI incident

A copy of the standards of when an ESI can be used (you could use the district's ESI policy, the template created by KSDE, or the district may create its own)

A flyer of parents' rights under ESI law

Information about the parent's right to file a complaint under the local dispute resolution process for ESI

Information about the State Board's administrative review process (this process will be final no later than March 1, 2016)

Information to assist parents in navigating the dispute resolution process, including contact information for Families Together and the Disability Rights Center of Kansas

The website address for the page on the school or district's website where this information can be found

*Note: **Parents must be contacted the day of the event**, notifying them that an ESI occurred and this information must be provided by the following school day.

After every incident of ESI following the first incident:

Notify the parents on the day the incident occurs. If the parent is unavailable, contact the emergency contact listed in the student's records.

Provide documentation of the ESI incident to the parent no later than the day following the incident.

Provide the complete website address for the page on the school or district's website where all of the ESI documents listed in the previous section are contained.

Required Meeting After Third Incident

After the Third ESI incident with a student who has an IEP or 504 plan:

Convene a meeting of the student's IEP or 504 team within 10 days of the ESI incident. The student must be invited to this meeting. Remember to follow all required notices for IEP team meetings. If the IEP or 504 team agrees on a process other than holding a meeting, document this decision and process carefully.

At this meeting discuss:

- The ESI incident

- Whether a Functional Behavior Analysis needs to be conducted

- Whether a Behavior Intervention Plan (BIP) needs to be conducted or updated

D. Reporting Data: CSO shall report ESI data to the state department of education as required.

E. Dispute Resolution: If a parent feels the school has violated this policy they may ask the pastor to investigate the incident. The pastor may choose to delegate the investigation to Diocesan Superintendent. The pastor, or his designee, will report their findings to the parent in a timely manner.

8/26/2015