

## **15. EMERGENCY SAFETY INTERVENTION (ESI) POLICY**

The Catholic Diocese of Wichita is committed to limiting the use of Emergency Safety Intervention (“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 means the use of seclusion or physical restraint.

Seclusion means placement of a student in a location where all of 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 such student will be prevented from leaving, the enclosed area.

Physical restraint means 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.

Emergency Safety Interventions 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 emergency safety interventions, 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 emergency safety interventions. The use of an emergency safety intervention shall cease as soon as the immediate danger of physical harm ceases to exist. Violent action that is destructive to property may necessitate the use of an emergency safety intervention. Use of an emergency safety intervention for purposes of discipline, punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

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.

When the student is placed in seclusion, a school employee shall be able to see and hear the student at all times. 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 cases of emergency, such as fire or severe weather. A

seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Such rooms shall be free of any condition that could be a danger to the student, and shall be well-ventilated and sufficiently lighted.

Prohibited types of restraints:

- Prone, or face-down, physical restraint;
- supine, or face-up, physical restraint;
- any physical restraint that obstructs the airway of a student;
- any physical restraint that impacts a student's primary mode of communication;
- chemical restraint, such as the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement;
- mechanical restraint such as any device or object used to limit a student's movement

**B. Training:** School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of emergency safety interventions. Training shall address prevention techniques, de-escalation techniques and positive behavioral intervention strategies. Training shall be consistent with nationally recognized training programs. The school shall maintain written or electronic documentation on training provided a lists of participants in each training for inspection by the Kansas state board of education.

**C. Notification:** When a student is subjected to an emergency safety intervention, the school shall notify the parent on the same day of the emergency safety intervention was used. The school shall attempt to contact the parent using at least two methods of contact. A parent may designate a preferred method of contact to receive the same day notification. The school 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, written documentation to the parent shall be completed and provided to the parent no later than the school day following the day on which ESI was used.***

**Written documentation to the parent shall include the following information:**

1) The events leading up to the incident; 2) student behaviors that necessitated the emergency safety intervention; 3) steps taken to transition the student back into the educational setting; 4) the date and time the incident occurred, the type of emergency safety intervention used, the duration of the emergency safety intervention and the school personnel who used or supervised the ESI.

The parent shall be provided the following information after the first incident: 1) a copy of the standards of when emergency safety interventions can be used, 2) a flyer on the parent's rights, 3) information on the parent's right to file a complaint, and 4) information that will assist the parent in the complaint process. The parent shall be provided foregoing information in printed form, or upon the parent's written request, by email.

After each incident, a parent may request a meeting with the school to discuss the incident. A parent may request such meeting verbally, in writing, or by electronic means. The school shall hold a meeting within 10 school days of the parent's request. The focus of any meeting shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

**Students with IEP or 504 Plan**

Convene a meeting of the student's IEP or 504 team to discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend. The parent will determine whether the student is invited to the meeting. The time for calling a meeting will extend beyond the 10-school-day limit if the parent of the student is unable to attend within the time period.

**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 file a complaint in writing to the pastor within 30 days of the date on which the parent was informed of the use of the use of emergency safety intervention. The pastor may choose to delegate the investigation to Diocesan Superintendent. The pastor, or his designee, will report their findings to the parent within 30 days of the pastor's receipt of the complaint.