

The U.S. Department of Education (USDE) released *Restraint and Seclusion – Resource Document* in May 2012. This document describes 15 principles for states, school districts, schools, families, and other stakeholders to consider when developing or revising policies on the use of seclusion and restraint. When the Special Education Advisory Council drafted regulations on emergency safety intervention to propose to the Kansas State Board of Education it relied on this document as a resource in putting those regulations together. After those proposed regulations became law in April 2013 the Kansas State Department of Education’s Technical Assistance System Network (KSDETASN) also used this document as a resource when developing training on the requirements and best practices associated with the use of emergency safety interventions in Kansas.

15 Principles from USDE’s <i>Restraint and Seclusion – Resource Document</i> http://www2.ed.gov/policy/seclusion/seclusion/restraints-and-seclusion-resources.pdf	Kansas’ emergency safety intervention laws (statutes and regulations) align with the 15 principles http://ksdetasn.org/resources/388	KSDETASN training materials align with the 15 principles (All past training materials are available at http://oldsite.ksdetasn.org/cms/index.php/esi-resources and all current training materials are available at http://ksdetasn.org/tasn/emergency-safety-interventions-esi-resources)
USDE Principle 1 Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.	The statutes (L. 2015, ch. 72, sec. 1–9 or HB 2170) and regulations (K.A.R. § 91-42-1 to -2) as a whole focus on preventing the need to use emergency safety intervention.	KSDETASN provides training and technical assistance in support of this principle. See multiple references to the USDE Principles and the focus on prevention in KSDETASN materials.
USDE Principle 2 Schools should never use mechanical restraints to restrict a child’s freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).	The regulations require that districts have a policy prohibiting the use of mechanical restraint or chemical restraint.	This prohibition is in the regulations, covered by the KSDETASN training materials, and is not part of the provisions of the statutes.

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USDE Principle 3 Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.	Under the statutes, 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 emergency safety interventions 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 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. Under the regulations, seclusion and physical restraint may only be used when student conduct meets the definition of necessitating an emergency safety intervention, when a student presents an immediate danger to self or others. The statutes and regulations apply to all students.	KSDETASN training materials stress that emergency safety intervention should be the last step taken, used when other measures are deemed ineffective, that the standard of "immediate danger" be first met before emergency safety intervention use, and that emergency safety intervention cease when threat dissipates.
USDE Principle 4 Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.		KSDETASN training materials focus on the applicability of the statutes, regulations, and district policies with all students.

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USDE Principle 5 Any behavioral intervention must be consistent with the child's right to be treated with dignity and to be free from abuse.	Under the statutes, the standards for use of emergency safety intervention contained in section 3 reinforce this principle. Under the regulations the prohibitions of certain types of restraint reinforce this principle.	KSDETASN training materials focus on the need for schools to follow this principle and treat students with dignity and be free from abuse.
USDE Principle 6 Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.	Under the statutes, 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. Under the regulations, using an emergency safety intervention as punishment or discipline would not meet the standard of only using an emergency safety intervention when a student presents an immediate danger to self or others.	KSDETASN training materials emphasize <u>not</u> using emergency safety intervention for punishment, discipline or convenience.
USDE Principle 7 Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.	Under the statutes a student shall not be subjected to seclusion if the student is known to have a medical condition that could put the student in mental or physical danger as a result of seclusion. 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. The regulations require each district to have a policy prohibiting prone restraint, supine restraint, and physical restraint that obstructs the airway of a student.	KSDETASN training materials and technical assistance focus on ensuring that children are not harmed when emergency safety intervention.

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USDE Principle 8 The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.	The statutes include a required meeting to review after the third incident of emergency safety intervention within a school year. The statutes require that this meeting, for students on an IEP or a 504 plan, include a discussion of the incident and for the team to consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amend either if already in existence. For students not on an IEP or a 504 plan this meeting must include a discussion of the incident and consider the appropriateness of a referral for a special education evaluation the need for a functional behavioral analysis or the need for a behavior intervention plan. The statutes require that the required meeting after the third incident, for students on an IEP or a 504 plan, include the team considering the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amending either if already in existence.	KSDETASN training and technical assistance focuses on proactive prevention through engagement techniques and learning from the use emergency safety intervention through a review in order to prevent future occurrences.
USDE Principle 9 Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.	The statutes require that the required meeting after the third incident, for students on an IEP or a 504 plan, include the team considering the need to conduct a functional behavioral analysis, develop a behavior intervention plan or amending either if already in existence.	KSDETASN training and technical assistance focuses on carefully considering behavioral strategies in a proactive manner to help prevent and address underlying behavioral issues.

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USDE Principle 10 Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.	The regulations require schools to have policies on training of school personnel consistent with nationally recognized training programs on the use of emergency safety intervention. Policies on training shall address prevention, de-escalation, and positive behavioral interventions support. Training shall be designed to meet the needs of personnel as appropriate to their duties and potential need to use emergency safety intervention.	KSDETASN training materials focus on this requirement of the regulations. To meet the need of supporting positive student behavior throughout the school day, TASN has partnered with Safe and Civil Schools to establish a Kansas CHAMPS, Discipline in the Secondary Classroom, and Para Pro Trainer Cadre who can provide training to districts and schools across the state. http://ksdetasn.org/champs To provide bus drivers with training in positive behavior interventions supports, KSDETASN provided every public school district in the state with <i>In the Driver's Seat</i>, a curriculum for bus drivers and transportation supervisors. Kansas MTSS provides training and resources provide school based personnel with the research based and framework needed to develop a multi-tiered system that responds to all students based upon the needs that they have. These needs; academic, behavioral or social are determined through screening, assessment and evidence-based interventions are then developed and implemented to meet the needs of the students.
USDE Principle 11 Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.	The statutes require that when a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.	KSDETASN training and technical assistance encapsulate this principle.

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USDE Principle 12 Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable Federal, State, or local laws.	The statutes require that when a student is subjected to an emergency safety intervention, the school shall notify the parent, or if a parent cannot be notified, then shall notify an emergency contact person for such student, the same day the emergency safety intervention was used. The parent shall be provided the following information the day after the intervention was used: (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 through the local dispute resolution process and the complaint process of the state board of education; and (4) information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas. Upon the first occurrence of an incident involving the use of emergency safety interventions, the parent shall be provided the foregoing information in printed form, and upon the occurrence of a second or subsequent incident shall be provided with a full website address containing such information. The regulations require that parents be annually provided with the district's written policy on the use of emergency safety interventions. This policy must also be accessible on each school's web site and shall be included in each school's code of conduct, school safety plan, or student handbook.	KSDETASN training and technical assistance addresses all of these requirements and templates have been provided for districts to use to provide this information to parents.

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USDE Principle 13 Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.	The statutes require same day notification of either the parent or their emergency contact person when an emergency safety intervention incident occurs.	KSDETASN training and technical assistance addresses the parental notification.
USDE Principle 14 Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.	The Kansas State Board of Education (State Board) has reviewed its regulations on emergency safety interventions nearly monthly since the regulations became final in April 2013 and has updated when appropriate. The Special Education Advisory Council has also reviewed the regulations on emergency safety interventions at nearly every meeting since 2012 and recommended updates of the regulations to the State Board when appropriate. The statutes require the emergency safety intervention task force to study and review the use of emergency safety interventions and prepare a report on its findings and recommendations concerning the use of such interventions.	KSDETASN training and technical assistance encapsulated the need to review and revisit district policies.
USDE Principle 15 Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to	The statutes require KSDE to collect certain information regarding incidences of emergency safety intervention and provide an annual report to the governor and legislature on data permitted to be released, including: (1) The number of incidents in which emergency safety interventions were used on students who	KSDETASN training and technical assistance addresses the requirement to document each use of emergency safety intervention and the collection of data.

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understand and implement the preceding principles.	have an individualized education program; (2) the number of incidents in which emergency safety interventions were used on students who have a section 504 plan; (3) the number of incidents in which emergency safety interventions were used on students who do not have an individualized education program or a section 504 plan; (4) the total number of incidents in which emergency safety interventions were used on students; (5) the total number of students with behavior intervention plans subjected to an emergency safety intervention; (6) the number of students physically restrained; (7) the number of students placed in seclusion; (8) the maximum and median number of minutes a student was placed in seclusion; (9) the maximum number of incidents in which emergency safety interventions were used on a student; (10) the information reported under subsection (c)(1) through (c)(3) reported by school to the extent possible; (11) the information reported under subsections (c)(1) through (c)(9) aggregated by age and ethnicity of the students on a statewide basis; and (12) such other information as the department deems necessary to report. The regulations require that documentation of any incident of emergency safety intervention, which	

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	shall include the date and time of the intervention, the type of intervention, the length of time the intervention was used, and the school personnel who participated in or supervised the intervention be collected, maintained, and periodically reviewed at each school. Each district must collect and maintain this data as well. KSDE may request this documentation, in writing, at any time.	

