



# Emergency Safety Interventions

2011–12 Update

Presentation to the Special Education Advisory  
Council

January 15, 2013

# Agenda

- ❖ From Guidelines to Regulations,
- ❖ Summary of Data (2011–12),
- ❖ Technical Assistance, and
- ❖ Going Forward.



# **FROM GUIDELINES TO REGULATIONS**

# Timeline of Emergency Safety Interventions (ESI) in Kansas

- ❖ 2005 – Kansas Senate considered bill to regulate emergency safety interventions (ESI) in schools (2005 SB 241).
- ❖ 2007 – The Kansas State Board of Education (KSBE) passed non-binding guidelines on the use of seclusion and restraint in public schools.
- ❖ June 2011 – KSBE adopted recommendation to change terminology to “Emergency Safety Interventions (ESI)” with seclusion and restraint under its umbrella and broadened reporting to instances of seclusion and restraint for ALL students (Special Education Advisory Council (SEAC) recommendation).
- ❖ March 2012 – KSBE requested recommendations from SEAC on potential regulatory action regarding ESI.
- ❖ May 2012 – KSBE unanimously (9-0) approved the recommended regulations.
- ❖ February 12, 2013, at 1:30 p.m. – Scheduled public hearing on the proposed regulations.

# Process led by SEAC

## March 2012 to May 2012

### Stakeholder Input

- 3/14 – Kansas State Board of Education (KSBE) requests recommendation from SEAC
- 3/16 – Dr. Ann Matthews, chair of SEAC, meets with Kansas State Department of Education (KSDE) staff to lay groundwork for how to proceed
- 3/19 – Meeting with TASN providers who provide technical assistance in and for behaviors
- 3/22- Meeting with Kansas Parents Information Regional Center (KPIRC) who work primarily with parents of students who are not identified or receiving special educations services
- 3/23- Meeting with the Disability Rights Center (DRC) and Families Together
- 3/23- Meeting with Kansas Association of School Boards (KASB) and United School Administrators (USA) of Kansas
- 3/26 – Meeting with Project STAY, a contracted provider for technical assistance on behavior
- 3/27 – Special Education Advisory Council (SEAC) Meeting via conference call to establish a roadmap leading to the SEAC meeting on 4/10
- 3/27 - Meeting with a parent in Wichita, who provided testimony on the use of Emergency Safety Interventions with his son
- 3/28– Follow up meeting with Families Together and KPIRC
- 3/30- Teleconference with members of the Kansas Association of Special Education Administrators (KASEA)
- 4/ 9 – Follow up meeting with DRC
- 4/10 – Meeting of SEAC
- 4/13 – Conference call with Families Together
- 4/13 – Follow up meeting with DRC and Families Together
- 4/17- Presentation of SEAC recommendations to KSBE; KSBE tasked KSDE staff to develop proposed regulations for consideration at May meeting of KSBE
- 4/30 – Meeting with DRC
- 4/30 – Phone conference with Families Together
- 5/9 – Presentation of KSDE recommendations for proposed regulations on the use of Emergency Safety Interventions



# SEAC Recommendations to the Kansas State Board of Education (April 2012)

- 1) Regulations are necessary.
- 2) Any regulations on the use of Emergency Safety Interventions (ESI) should be for all students.

# Four Key Standards

Proposed Regulations provide standards for:

- 1) Communication
- 2) Documentation
- 3) Training
- 4) Appropriateness

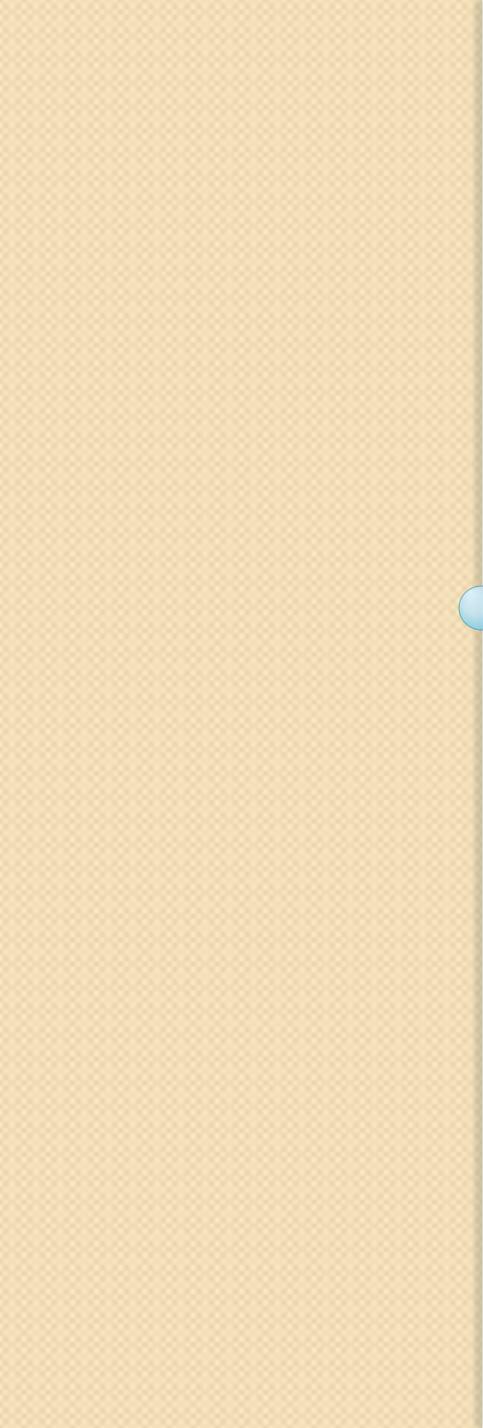
Proposed Regulations speak directly to:

1. What districts need to include and what is prohibited in policy;
2. What is, and is not, an Emergency Safety Intervention;
3. Where responsibilities lie at the local, district, and State level; and
4. What each parent can expect in terms of information on Emergency Safety Interventions regardless of what school a child attends



# Alignment with National Resource Document

- U.S. Department of Education, *Restraint and Seclusion Resource Document*, published in May 2012
- 15 Principles
  - Every effort should be made to prevent the need for the use of restraint and the use of seclusion. (Principle 1)
  - Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities. (Principle 4)
  - Physical restraint and seclusion should not be used except in situations where the child's behavior poses imminent danger or serious physical harm to self or others and other interventions are ineffective...(Principle 3)
  - Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as PBIS, and only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion. (Principle 10)
  - Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child. (Principle 13)
  - Parents should be informed of the policies on restraint and seclusion at their child's school or educational setting, as well as applicable Federal, State, or local laws (Principle 12)



# **SUMMARY OF DATA (2011–12)**

# Changes in Analysis of Data

Past Practice	Current Practice
<ul style="list-style-type: none"><li>❖ 10 or more incidents reviewed/verified by KSDE staff to ensure proper use of seclusion, documentation on IEP, implementation of a Behavior Intervention Plan, and Functional Behavior Assessment for the student.</li><li>❖ Verification of incidents of seclusion:<ul style="list-style-type: none"><li>Elementary School: 60 minutes or more</li><li>Middle and High School: 120 minutes or more</li></ul></li></ul>	<ul style="list-style-type: none"><li>❖ An increased focus on training and capacity building of the appropriate use of ESIs and dangers that come with the use of such interventions.</li><li>❖ Intense effort to provide LEAs with tools to use the data at the local level on a regular and consistent basis to benefit all students.</li><li>❖ Teaming SES staff and Behavior Specialists to analyze data to determine trends and/or patterns to provide effective guidance to the field.</li></ul>

# Restraint Reporting

## New in 2011–12

- ❖ **Each school that used restraint** must submit a quarterly report of each instance restraint was used with a student to KSDE.
- ❖ Reporting in 2011–12 reflects the use of restraint with all students.
- ❖ 2011-12 is the first year schools reported on the use of restraint.

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- ❖ Reporting in 2011–12 reflects the use of restraint with all students.
- ❖ 2011-12 is the first year schools reported on the use of seclusion for all students.

# 2011–12 Summary of Reported Restraint Data

- ❖ 65 out of 286 districts reported the use of restraint in its schools ( $\approx 23\%$ ) for the 2011–12 school year.
- ❖ 190 out of 1,340 ( $\approx 14\%$ ) buildings reported the use of restraint in the 2011–12 school year.

# 2011–12 Summary of Reported Restraint Data

- ❖ Out of the 190 buildings that reported, 141 ( $\approx 74\%$ ) were elementary schools, 44 ( $\approx 23\%$ ) were secondary schools, and 3 ( $\approx 2\%$ ) were special schools.
- ❖ Out of the 65 districts that reported, an average of 36% of buildings per district reported the use of restraint.
- ❖ Out of the districts that reported, a range of 1 to 25 buildings per district reported the use of restraint.

## 2011–12 Summary of Reported Restraint Data

- ❖ 3,479 total incidents of restraint were reported in the 2011–12 school year.
- ❖ 699 out of 477,857 ( $\approx .15\%$ ) students were restrained in the 2011–12 school year.



## 2011–12 Summary of Reported Seclusion Data

- ❖ 62 out of 286 districts reported the use of seclusion in its schools ( $\approx 22\%$ ) for the 2011–12 school year.
- ❖ 152 out of 1,340 ( $\approx 11\%$ ) buildings reported the use of seclusion in the 2011–12 school year.

# 2011–12 Summary of Reported Seclusion Data

- ❖ Out of the 152 buildings that reported, 106 ( $\approx 70\%$ ) were elementary schools, 42 ( $\approx 28\%$ ) were secondary schools, and 4 ( $\approx 3\%$ ) were special schools.
- ❖ Out of the 62 districts that reported, an average of 33% of buildings per district reported the use of restraint.
- ❖ Out of the districts that reported, a range of 1 to 19 buildings per district reported the use of restraint.



## 2011–12 Summary of Reported Seclusion Data

- ❖ 882 out of 477,857 ( $\approx .18\%$ ) students were secluded in the 2011–12 school year.
- ❖ 6,917 total incidents of seclusion were reported in the 2011–12 school year.



# **TECHNICAL ASSISTANCE**

# Resources Available

- ❖ Seclusion and Restraint Reporting Checklists
- ❖ Incident Documentation Form
- ❖ ESI Bookmark
- ❖ ESI Parent Guide
- ❖ ESI Webinar on Basics of ESI (Identification, Reporting, Documentation)\*

All resources were developed in collaboration with TASN partners and are available to districts at no cost.

\*Webinar will be available in January 2013

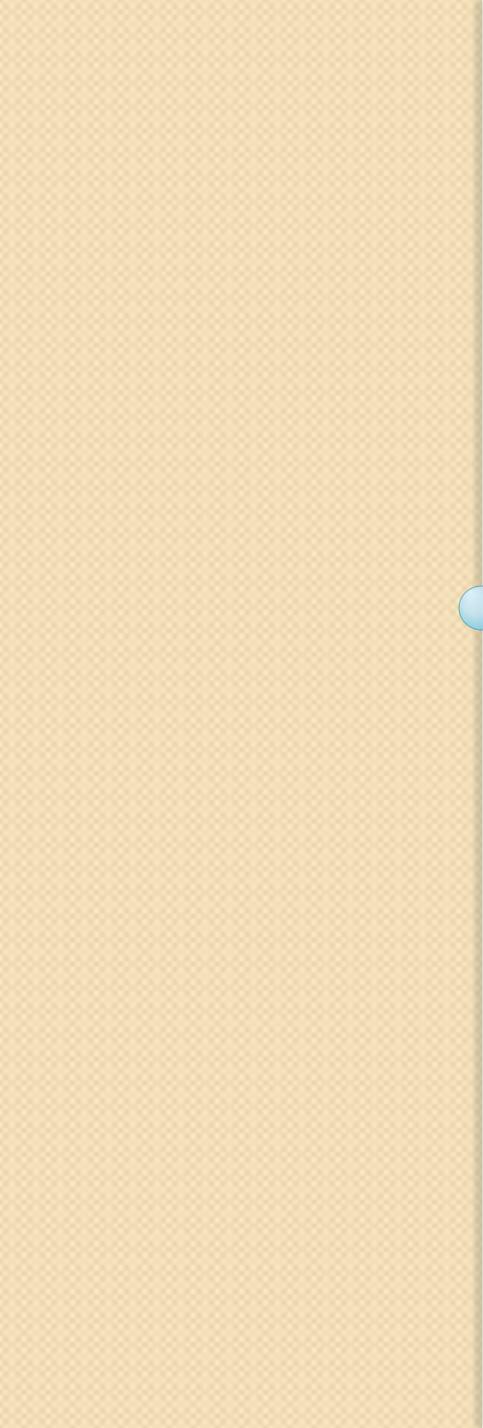
# Resources in Development

- ❖ ESI Webinars Focused on the Prevention and Reduction of the Use of ESIs in the Schools
- ❖ Guidance and Trainings on How Districts can Use the Data Collected and Reported
- ❖ Parent Education and Training
- ❖ Technical Assistance on Implementation of the Regulations

All resources are being developed in collaboration with TASN partners and are available to districts at no cost.



# GOING FORWARD



**QUESTIONS?**