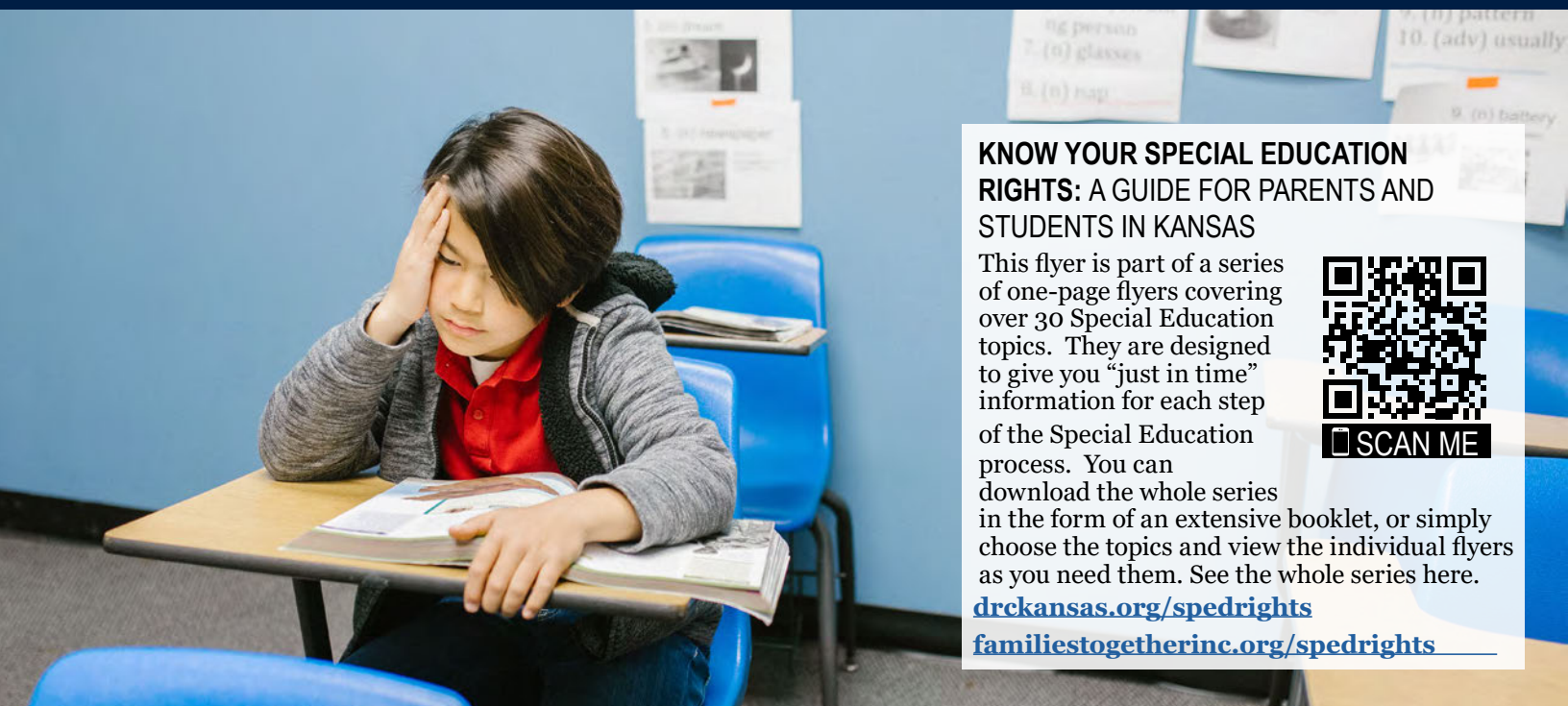




WHAT IS EMERGENCY SAFETY INTERVENTION (ESI)?



KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

This flyer is part of a series of one-page flyers covering over 30 Special Education topics. They are designed to give you “just in time” information for each step of the Special Education process. You can download the whole series in the form of an extensive booklet, or simply choose the topics and view the individual flyers as you need them. See the whole series here.



SCAN ME

drckansas.org/spedrights

famielstogethertnc.org/spedrights

An Emergency Safety Intervention (ESI) is the restraint and/or seclusion of a student. The law allows it when a student is at immediate risk of hurting themselves or someone else or is damaging property. Seclusion and restraint must only be used in an emergency. Schools must attempt less restrictive ways first. When this is not possible, the law may allow restraint and/or seclusion. The school must stop the seclusion or restraint as soon as the student is no longer a threat to themselves or others.

Restraint and seclusion are not punishments. The school cannot use them in this way. They are only used when a student’s behavior is immediately harmful.

What is restraint?

Restraint is used to make a person move less. It is done in two ways:

- A person uses their body to stop a student from moving as much
- A tool is used to stop someone from moving as much (for example: handcuffs)

There are types of restraint that cannot ever be used. These include restraint where the student is face-down, face-up, or where the student can’t breathe or cannot communicate.

Restraint & Seclusion

<https://tinyurl.com/mvksh834>



SCAN ME

What is seclusion?

Seclusion is all three of the following:

- A school employee puts a student in an enclosed area;
- The area is separated from other people on purpose; and
- The student is not allowed to leave the area or they think that they are not allowed to leave the area

Some schools have a separate seclusion room. Having a separate room is not a requirement for something to be seclusion. It may be a separate part of another room. A school person must be able to see and hear the student at all times. If the door is locked, it must open automatically, in case of a fire or storm.

Sources & Additional Resources:



[Notifying a parent of ESI](https://tinyurl.com/2j29a68m)
<https://tinyurl.com/2j29a68m>



[Options for complaints after ESI](https://tinyurl.com/y4rfus92)
<https://tinyurl.com/y4rfus92>



[Restraint & Seclusion](https://tinyurl.com/mvksh834)
<https://tinyurl.com/mvksh834>



[A Family Guide to the Use of Emergency Safety Interventions and Parental Rights](https://tinyurl.com/edyrrzun). Families Together, Inc.
<https://tinyurl.com/edyrrzun>



[Emergency Safety Intervention \(ESI\) Regulations](https://tinyurl.com/bae36ejs). Kansas State Department of Education.
<https://tinyurl.com/bae36ejs>

What rules does the school have to follow when using ESI?

Kansas has a specific law about ESI. It is referred to as the Kansas Emergency Safety Intervention Law. It is contained in Rules and Regulations of the State Board of Education. The school must follow it.

The school must tell the parents on the same day when a student is restrained and/or secluded. The school must also document the incident in writing. See the first link on the left called “Notifying a parent of ESI.”

If an ESI is used on your child, you may request a meeting with the school to talk about it. The school must hold this meeting within 10 school days of your request.

ESI cannot be used if your child has a health condition that will put them at risk of harm if it is used. To protect your child, have a health care provider write a statement explaining the health condition and why ESI cannot be used. It must also list things that the school could do instead of ESI. You must share that document with the school and they will put it in your child's file. If you do that, ESI cannot be used on your child.

Disclaimer: This fact sheet is not intended to provide specific legal advice. If you need legal advice, please contact an attorney. Only an attorney can give you specific legal advice based on your particular situation. We try to update our materials regularly, but the law can change frequently. This publication is based on the law at the time that it was written. Future changes in the law could make information in this fact sheet inaccurate.



EQUALITY • LAW • JUSTICE

www.drckansas.org
1-877-776-1541
info@drckansas.org



www.familiestogetherinc.org
1-800-264-6343
contactus@familiestogetherinc.org