
Emergency Safety Intervention (ESI) Regulations and Effective Preventative Strategies

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Today we will...

- Review ESI Regulations and History
- Discuss prevention, de-escalation, and positive behavior support strategies
- Introduce the Escalation (or Acting Out) Cycle
- Review resources and additional training opportunities that promote a culture of prevention
- Q&A



Take Away Messages



KANSAS TECHNICAL ASSISTANCE SYSTEM NETWORK
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Professional Learning Opportunities to Support Positive Student Performance

Emergency Safety Intervention (ESI) Training
Part 2: Know Your ESI Data

Things that confirmed what I know	Things I want to know more about	Things I learned



Purpose of the ESI Regulations

- The primary purpose of the ESI regulations is to standardize when an ESI may be appropriate to use, if ever, and if used, to delineate the next steps that must be taken to prevent, or eliminate, the need for the use of ESI in the future.

The Purpose of the Regulations

- The ESI regulations were not intended to prevent school personnel from using reasonable methods of instruction, care, or intervention to meet the educational, physical or emotional needs of students, or to prevent school personnel from ensuring the safety of all students and staff.

Emergency Safety Intervention (ESI)

- Emergency
 - Immediate danger
- Safety
 - Immediate danger of student harming self or others
- Intervention
 - Restraint or seclusion should only be used for limited periods of time and should cease immediately when the immediate danger of harm to self or others has dissipated.

Technical Definition - Seclusion

Seclusion is not a place, it is a process.

Seclusion is identified by meeting three criteria:

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.

Technical Definition - Restraint

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. **It is prohibited.**
- **Mechanical restraint** means any device or object used to limit a student's movement. It is **prohibited unless ordered** 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.

Development of District Policies

- Each district must develop, implement, and make accessible written policies to govern the use of ESI in all schools.
- District policies must include:
 - Prohibition of the use of certain types of restraint
 - School personnel training
 - Procedure for written parental notification when an ESI is used
 - Procedure for documentation of the use of an ESI
 - Procedure for data collection and review of all instances of ESI
 - Local dispute resolution processes

Prohibition of Certain Types of Restraint

- Types of restraint prohibited by the regulations:
 - Prone (face-down)
 - Supine (face-up)
 - Physical restraint that obstructs the airway of a student
 - Physical restraint that impacts a student's primary mode of communication
 - Chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments
 - Mechanical restraint, except those protective or stabilizing devices ordered by a person appropriately licensed to issue the order for the device or devices required by law

Parental Notification

- When an ESI is used with a student, the parent must be notified within two school days.
- Parents will annually be provided with the district's written policies on the use of ESI.
 - School's website; and
 - School code of conduct, school safety plan, or student handbook

Local Dispute Resolution

- Districts must develop policies that establish local dispute resolution processes.
- Local dispute resolution processes must include:
 - Complaint investigation procedure;
 - Procedure for parents to present written complaints to the local board of education to initiate a complaint investigation by the local board of education; and
 - Procedure for parents, school, and KSDE to receive written findings of fact and, if necessary, corrective action from the local board of education within 30 days of the filing of a complaint.

Take Away Point: Schools using ESI should-

1. Document it.
2. Notify parents.
3. Learn from it.
4. Seek training on how to implement tiers of prevention and intervention.

After the fact...

- In hindsight, some incidents no longer seem like emergencies.
- If seclusion or restraint was used, you must treat it as an Emergency Safety Intervention.

Does KSDE Promote ESI?

- KSDE does **not** promote the use of ESI with any student.
 - Every effort should be made to prevent the need for the use of restraint and for the use of **seclusion**. (U.S. Department of Education, *Restraint and Seclusion: Resource Document*, Washington, D.C., 2012)
 - Please do not interpret the state regulations or this training to imply that KSDE endorses the use of seclusion or restraint with any student.

Will School Staff Get Into Trouble for Using an ESI?

- There is no prohibition on the use of an emergency safety intervention.
- The intention of the regulation is to educate school personnel about the dangers of using an ESI with a student.
- The use of an ESI should never be taken lightly and always be the last step taken.
- If an ESI is used with a student, school personnel must follow the process set out in the regulations and in their district's policies and procedures.

Emergency?

- Let's consider that first word – emergency.
 - When is an incident a true emergency situation?
 - Immediate danger to self;
 - Immediate danger to others;
 - Possibly for violent action that is destructive of property.

Focus on Prevention

- KSDE focuses on prevention.
- Any use of ESI must be reported under the regulations.
- ESI reporting is required for any student.

Why the focus on prevention?

Because there are **real dangers**
with using these kinds
of interventions



ESI is not discipline

- 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. (Principle 6,

U.S. Department of Education, *Restraint and Seclusion: Resource Document*, Washington, D.C., 2012)

What is 'reasonable'?

- Grandma Test
- YouTube Test
- OCR Test

ESI and Behavior Plans

- ESI should not be a planned intervention for a specific student under foreseeable circumstances.
- ESI is not an acceptable alternative to prevention.

ESI and Behavior Plans

*If you're planning for it, it means you can see it coming. **If you can see it coming, every effort should be made for prevention.***



ESI is *not* a tiered intervention.

- In an MTSS (or any tiered support system) **tiers focus on prevention.**
- Tiered systems utilize strategies that are **planned** and carried out to offer **proactive** positive behavioral supports to students.

ESI is **not** a tiered intervention.

- Using an ESI is **reactive**.
- It is only used when a student places themselves or others at risk of immediate harm.

ESI Duration

ESI should be
discontinued
as soon as the
immediate danger has passed.

Unsure if an action was an ESI?

- Any time school or district personnel have a question ("gray area") of whether or not action taken by school personnel constitutes the use of an ESI, school personnel should, at minimum, communicate with parents about the actions taken by school personnel with their child and document the incident even if school personnel ultimately determine that the action taken did not amount to the use of ESI, per the regulations.



A KSDE Priority:

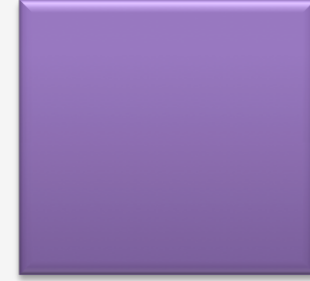
We are charged with making *every effort* to curtail the need for ESI through the use of *preventive strategies and supports* for all students.



Two Approaches to Challenging Behavior

1. The *student is the problem* and needs to be dealt with using punishment and/or discipline.
2. The student is *using the behavior to have a need met* and needs to manage negative behaviors and learn desired behaviors.



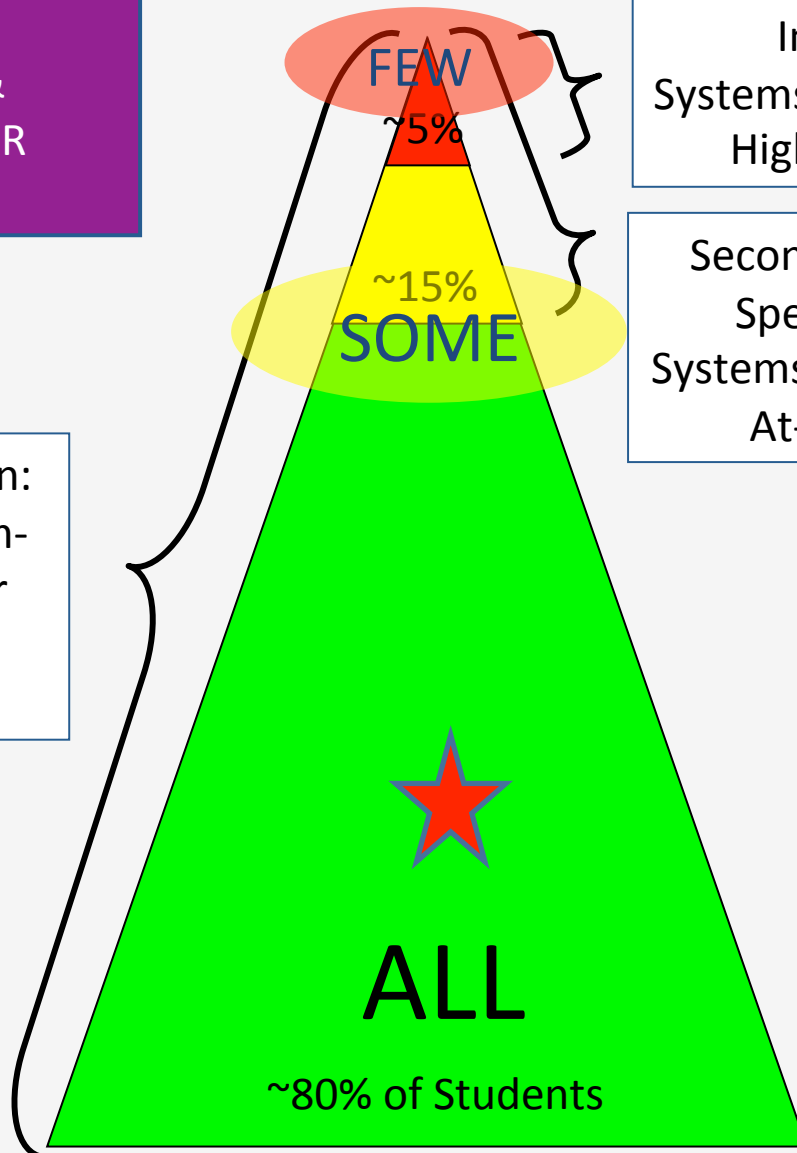


“Rather than getting angry or frustrated with students who exhibit undesirable behavior, primary prevention plans encourage an instructional approach in which desired behaviors are **defined**, **taught**, **practiced**, and **reinforced**.”

(Lane, Kalberg, Menzies, 2009, p. 27)

CONTINUUM OF
SCHOOL-WIDE
INSTRUCTIONAL &
POSITIVE BEHAVIOR
SUPPORT

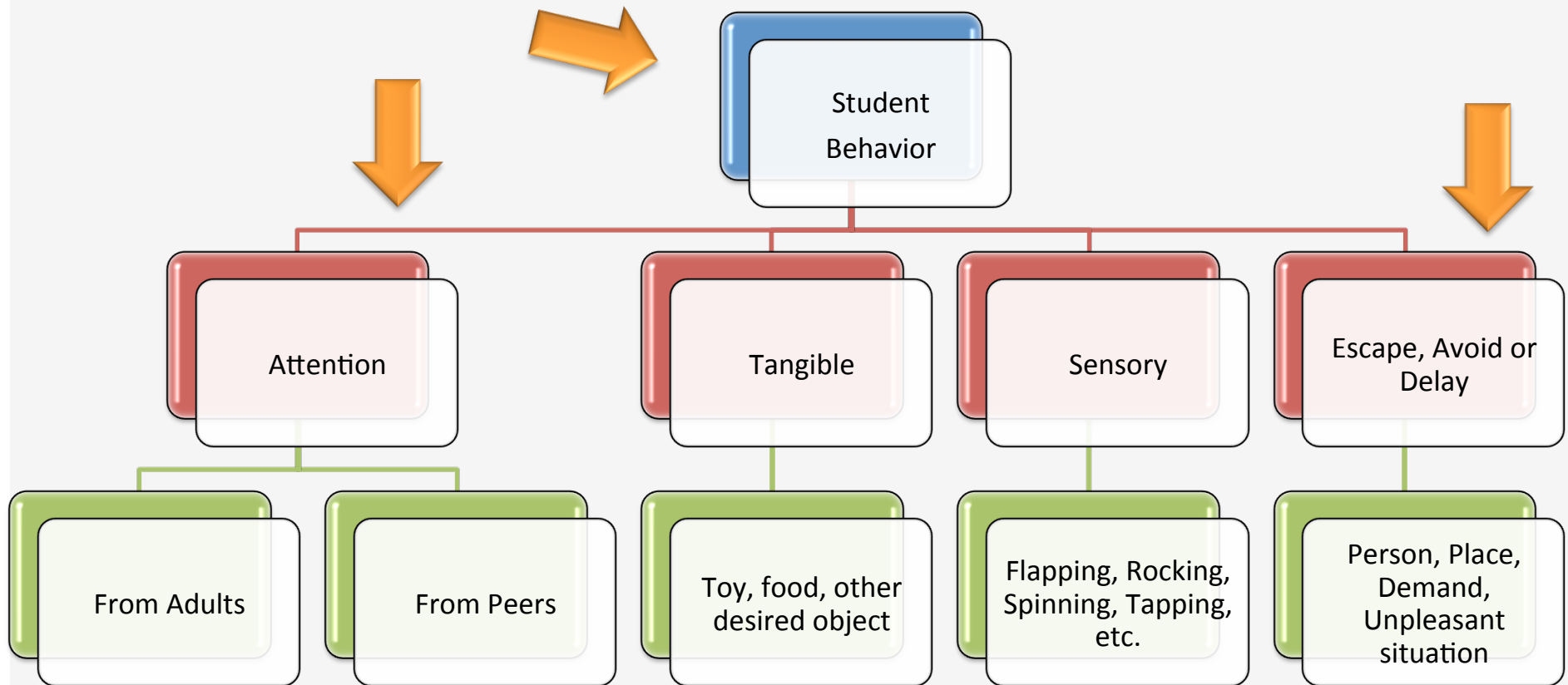
Primary Prevention:
School-/Classroom-
Wide Systems for
All Students,
Staff, & Settings



Tertiary Prevention:
Specialized
Individualized
Systems for Students with
High-Risk Behavior

Secondary Prevention:
Specialized Group
Systems for Students with
At-Risk Behavior

Function-based Thinking: Behavior is Communicative

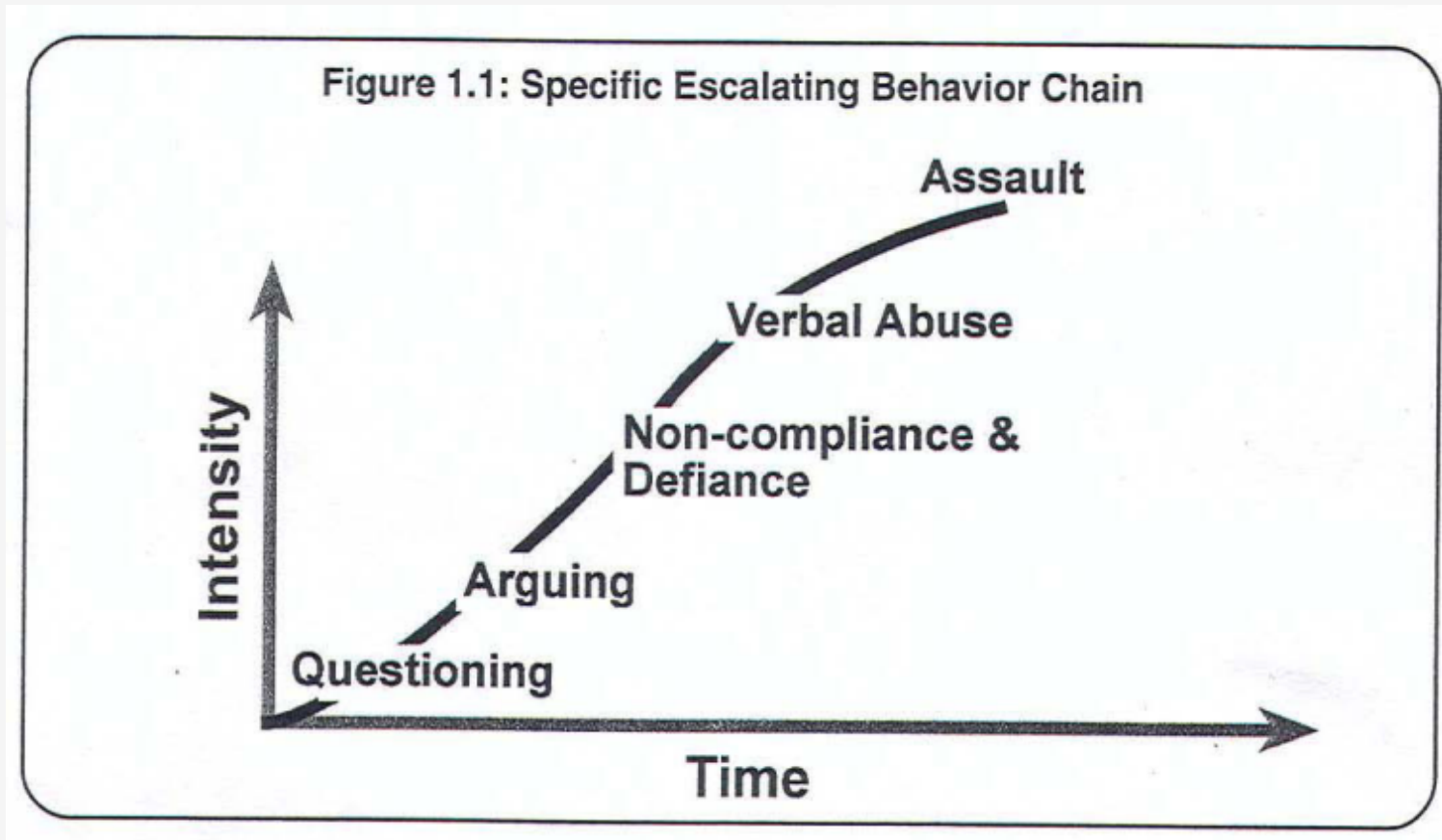


Primary Prevention Examples

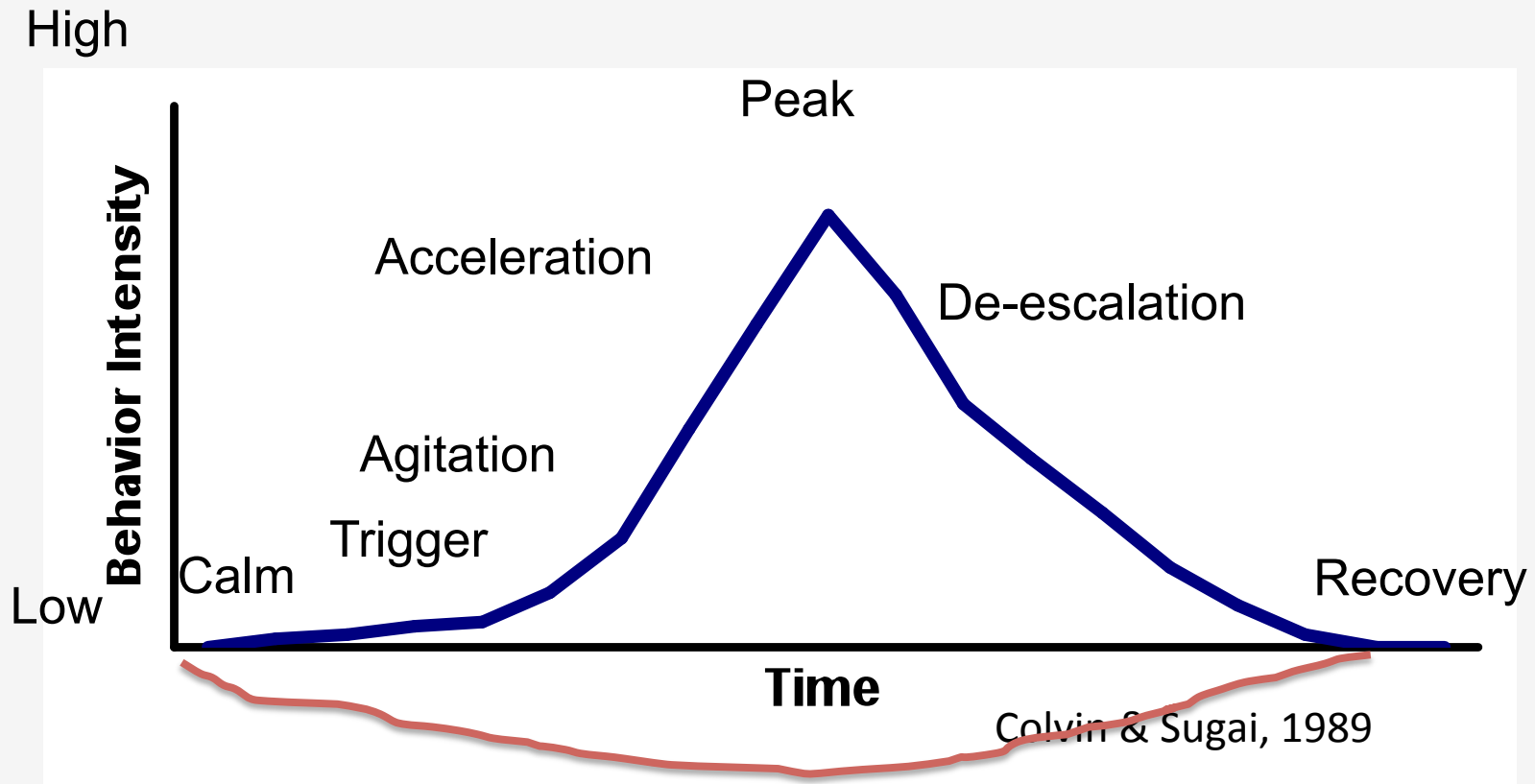
- Provide effective instruction
- Promote school connectedness through building trusting relationships
- Cultivate a school climate that promotes physical and psychological safety
- Establish effective positive school discipline
- Utilize good classroom management techniques



Can you think of an escalating situation?



The Escalation Cycle



Effects of Escalating Phases

- Calm
 - Student is cooperative.
- Trigger
 - Student experiences a series of unresolved conflicts.
- Agitation
 - Student exhibits increase in unfocused behavior.
- Acceleration
 - Student displays focused behavior.
- Peak
 - Student is out of control & displays most severe problem behavior.
- De-escalation
 - Student displays confusion but with decreases in severe behavior.
- Recovery
 - Student displays eagerness to participate in non-engagement activities.

Colvin & Sugai, 1989

Four Key Strategies

1. Teach and reinforce expected behavior skills.
2. Identify how to intervene early in the escalation sequence.
3. Identify environmental factors that can be manipulated.
4. Identify replacement behaviors that can be taught.

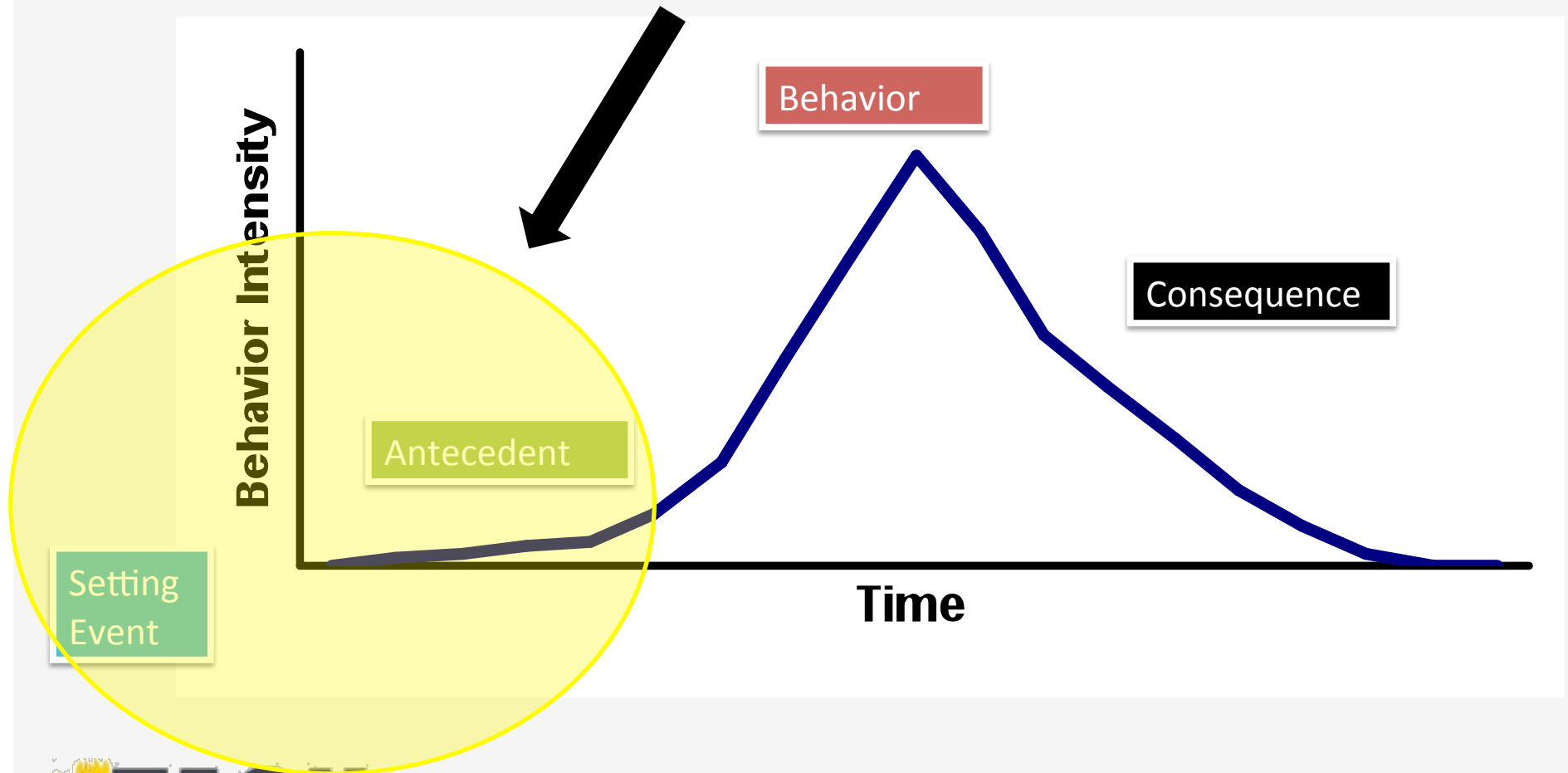
Whether the problem behavior is
managed safely or not
or is defused

In a large measure depends on

YOUR INITIAL RESPONSE



“The best time to intervene on problem behavior is when the behavior is not occurring” (Carr et al., 2002, p.9)



Examples of ESI Prevention Related Training Topics

- De-escalation—
Identifying triggers and intervening early
- Universal screening for behavior
- Functional communication
- Function-based thinking
- School Culture/Climate
- Continuum of behavior supports
- Bullying prevention
- SECD standards and curriculum
- Teaching expectations
- Classroom management
- Differentiated instruction
- Conflict resolution
- Culturally relevant social skills instruction
- PBIS/MTSS



Key Messages

- ESI—FOR EMERGENCIES ONLY
- All behavior serves a purpose.
- Student behavior change starts with adult behavior change.
- Approach behavior change in the same manner academics are taught.
- Knowing what predicts problem behavior is the first step in preventing it.
- Diffuse behavior by interrupting EARLY in the escalation sequence/cycle.
- Prevent or reduce the use of ESI by using positive behavior interventions.



2013-2014

Behavior Training Opportunities

- Behavior Training Event Link on KSDE TASN
http://www.ksdetasn.org/cms/images/utahstate_media/documents/TASN-ESI/TrainingMatrixOnlineVersion8-9-13.pdf
- Project EMPOWER, Early Childhood ESI, Safety First for Early Childhood, In the Driver's Seat, ESI Part 1 (recorded webinar)
- IRIS Ed – Reduce Classroom Behavior Problems (30-min. K-12 prof. development video course absolutely FREE until the end of 2013) <http://bit.ly/11DgCBv>
- MTSS Books in a Bag (Book studies)
- Spring Behavior Training
- TASN Monthly Email www.ksdetasn.org
- Request assistance (the BLUE button) www.ksdetasn.org



Supports for Schools and Families

- Kansas State Department of Education
 - Resources and presentations.
 - <http://ksde.org/Default.aspx?tabid=3119>
- United States Department of Education
 - U.S. Department of Education, *Restraint and Seclusion: Resource Document*, Washington, D.C., 2012.
 - www.ed.gov/policy/restraintseclusion
- Technical Assistance System Network (TASN)
 - School and families may request assistance
 - www.ksdetasn.org
- Multi-Tiered Systems of Support (MTSS)
 - System-wide practices to support behavioral and academic needs
 - www.kansasmtss.org



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