



## **CLO TRAINING GUIDELINES**

### **CLO'S NORTH STAR ACADEMY EMERGENCY SAFETY INTERVENTIONS**

**SECTION:** North Star Academy

**PROCEDURE:** TG 1800

**RELATED POLICY/PROCEDURE:**

**DATE:** 8/4/15

**REVISIONS:** 2/3/16

#### **GENERAL GUIDELINES:**

CLO's North Star Academy (NSA) is committed to limiting the use of Emergency Safety Interventions (ESI), such as seclusion and restraint, with all students. CLO's NSA encourages all employees to utilize other behavioral management tools including prevention techniques, de-escalation techniques, and positive behavior intervention strategies.

This guideline shall be made available on CLO's NSA website. In addition, this guideline shall be included in the Parent/Student Handbook.

#### **APPLICATION:**

Definitions (see K.A.R. 91-42-1)

- "Emergency Safety Intervention" is the use of seclusion or physical restraint when a student presents an immediate danger to self or others. Violent action that is destructive of property may necessitate the use of an emergency safety intervention.
- "Seclusion" means a student is: (1) Placed in an enclosed area by school personnel; (2) purposefully isolated from other adults and peers; and (3) prevented from leaving, or reasonably believes he or she will be prevented from leaving, the enclosed area.
- "Chemical Restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.
- "Mechanical Restraint" means any device or object used to limit a student's movement.
- "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a person acting as a parent as defined in K.S.A. 72-1046(d)(2), and amendments thereto; (4) a legal guardian; (5) an education advocate for a student with an exceptionality; (6) a foster parent, unless the student is a child with an exceptionality; or (7) a student who has reached the age of majority or is an emancipated minor.
- "Physical Restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited or unintentional contact, or contact to provide comfort, assistance, or instruction shall not be deemed physical restraint.

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- “Physical Escort” means the temporary touching or holding the hand, wrist, arm, shoulder, or back of student who’s acting out for the purpose of inducing the student to walk to a safe location.
- “School” means any physical learning environment, including any nonprofit institutional day or residential school and any accredited nonpublic school, that receives public funding or over which the Kansas state department of education has regulatory authority.
- “Time-Out” means a behavioral intervention in which a student is temporarily removed from a learning activity without being confined.

### Prohibited Practices

All CLO’s NSA staff members are prohibited from engaging in the following actions with all students:

- Use of restraint for purposes of discipline, punishment, or for the convenience of staff members;
- Using face-down (prone) physical restraint (K.A.R. 91-42-2);
- Using face-up (supine) physical restraint (K.A.R. 91-42-2);
- Using physical restraint that obstructs the student’s airway (choke holds—any on neck, half or full nelson, or holds that cover the face) (K.A.R. 91-42-2 and CALM);
- Using physical restraint that impacts a student’s primary mode of communication (\*note that students whose primary mode of communication is motor communication will be taught a motor communication skill to alert staff members they wish to communicate and staff will immediately end the ESI event) (K.A.R. 91-42-2);
- Using chemical restraint, except as prescribed by a licensed healthcare professional for treatment of a medical psychiatric condition (K.A.R. 91-42-2);
- Use of mechanical restraint, except (K.A.R. 91-42-2):
  - Protective or stabilizing devices required by law or used in accordance with an order from a licensed healthcare professional;
  - Any device used by law enforcement offices to carry out law enforcement duties; or
  - Seatbelts and other safety equipment used to secure students during transportation;
- Use of 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. Parents must provide documentation of the medical condition from a licensed medical provider and a copy must be kept in the student’s file (K.A.R. 91-42-2);
- Pressure points to cause pain (CALM);
- Use of any cloth or object on the face during a hold (CALM);
- Hog tied position (CALM);
- Prone basket—arms or hands are crossed under chest in a prone position (CALM);
- No straddling for students with a history of sexual abuse (CALM).

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## Training

- All staff members shall be trained regarding the use of positive behavioral intervention strategies, de-escalation techniques, and prevention techniques. Such training shall be consistent with nationally recognized training programs and the use of ESI.
- The intensity of the training provided will depend upon the employee's position. Administrators, licensed staff members, and other staff deemed most likely to need to restrain a student will be provided with more intense training than staff who do not work directly with students in the classroom. The NSA Administrator shall make the determination of the intensity of the training required by each position.
- CLO's NSA shall maintain documentation regarding the training that was provided and a list of participants.

## Documentation and Notification

- The NSA Administrator or designee shall verbally notify the student's parent the same day that ESI is used. If the parent/guardian is unavailable, the emergency contact(s) listed by the parent on file with the school must be notified.
- The NSA Administrator or designee shall also provide written documentation to the student's parent any time that ESI is used with a student. Such notifications will be provided within one (1) school day.
- After the first use of ESI in a school year, the parent must be provided with the following information in writing:
  - A copy of the standards of when ESI may be used;
  - A flyer on the parent's rights;
  - 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
  - Information that will assist the parent in navigating the complaint process, included contact information for the referring school district's parent training and information center and the Disability Rights Center of Kansas.
- For each subsequent ESI incident, the written parent notification shall include a direct website address for the referring school district that contains all ESI information.
- Upon a third ESI incident in a school year, the Individualized Education Plan (IEP) team must convene within ten (10) days to discuss the incident and develop/revise a Behavior Intervention Plan (BIP) and consider the need for a Functional Behavior Assessment (FBA) unless the team agrees to another process. The student must attend the meeting, unless otherwise agreed to by the team.
- In addition, CLO's NSA shall maintain documentation [including but not limited to NSA's ESI Log and a Therap General Event Record (GER)] any time ESI is used with a student, and such documentation must include all of the following:

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- Date and time of the intervention;
- The type of intervention;
- Length of time the intervention was used; and
- School personnel who participated in and/or supervised the intervention.
- All documentation shall be provided to the NSA Administrator, who shall be responsible for providing copies of such documentation to the referring school district as required. At least once per school year, the NSA Administrator or designee shall review the documentation of ESI incidents with appropriate staff members to consider the appropriateness of the use of ESI in those instances.

### Reporting Data

The referring school district shall report ESI data to the State Department of Education as required.

### Dispute Resolution Process

- CLO's NSA encourages parents to attempt to resolve issues relating to the use of ESI informally with the NSA Administrator and/or CLO's Chief Operating Officer (COO) before filing a formal complaint with CLO's Board of Directors or the referring school district.
- In the event that the complaint is resolved informally, the NSA Administrator is required to provide a written report of the informal resolution to the COO and the parents and to retain a copy of the report at NSA. The COO will share the informal resolution with CLO's Board of Directors and the referring school district.
- If the issues are not resolved informally with the NSA Administrator and/or the COO, the parents may submit a formal written complaint to the referring school district's Principle and/or Special Education Director.
- Any such investigation must be completed in the prescribed timelines by the referring school district.

\* Please note that CLO's Human Resources and Operational Policies contain the laws, regulations, rules, and strategic goals under which CLO operates. While not compulsory, CLO's Training Guidelines (i.e., procedures) define the detailed steps required to perform a specific activity or task and help consistently implement CLO's Human Resource and Operational Policies