

Department of Education

Proposed

Notice of rescheduling of hearing on Proposed Emergency Safety Intervention Regulations

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m., or as soon thereafter as possible, on Tuesday, May 17, 2016, in the Board Room of the Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas, to consider the adoption of proposed rules and regulations of the Kansas State Board of Education on a permanent basis.

The public hearing originally scheduled for April 12, 2016, notice of which was published in the February 11, 2016 issue of the Kansas Register has been cancelled.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of the Kansas State Board of Education at the below addresses or by email to plhill@ksde.org. The address for the Kansas State Board of Education is Landon State Office Building, 900 SW Jackson Ave., Suite 102, Topeka, Kansas 66612. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. The hearing shall be conducted in compliance with the public hearing procedures of the Kansas State Board of Education.

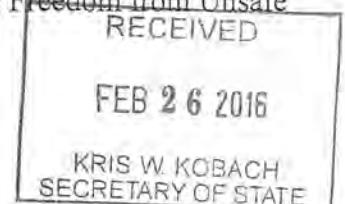
Any individual with a disability may request an accommodation in order to participate in the public hearing, and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Wendy Fritz at (785) 296-5363 (or TDD 785-296-8172) or by e-mail to wfritz@ksde.org. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

A summary of the proposed regulations and economic impact follows.

A copy of the proposed regulations and economic impact statement may be obtained by contacting the Office of General Counsel at the address above prior to the date of the hearing or by email to ogc@ksde.org.

K.A.R. 91-42-1

Article 42 of this chapter addresses the use of seclusion and restraint of students in the school setting. This regulation defines key terms, many of which were amended by the Freedom from Unsafe Seclusion and Restraint Act.



K.A.R. 91-42-2

This regulation has been amended to more clearly define the standards for the use of emergency safety interventions (ESI). Those standards include:

1. ESI shall be used only when a student presents a reasonable and immediate danger of physical harm to the student or others.
2. ESI shall cease to exist as soon as the immediate danger of physical harm ceases to exist.
3. The use of ESI is prohibited for purposes of discipline, punishment, or convenience.
4. Several types of restraint are prohibited, such as face-down restraint, face-up restraint, any restraint that obstructs the airway of a student or impacts a student's primary mode of communication, chemical restraint, and mechanical restraint except in certain circumstances.

This regulation also prohibits the use of seclusion if the student is known to have a medical condition that could put the student in mental or physical danger

K.A.R. 91-42-3

School districts will be required to develop policies and procedures on the appropriate uses of emergency safety interventions. These policies must be consistent with state law and will include:

1. Training for school personnel,
2. Procedures for parents to file formal complaints with their local school board if the parent believes that an emergency safety intervention was used inappropriately,
3. Methods of disseminating information to parents regarding school policies, and
4. Methods of reporting information to the State Department of Education for data analysis.

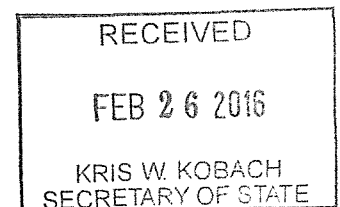
K.A.R. 91-42-4

Schools will be required to notify parents or, if the parent cannot be reached, the emergency contact person any time an emergency safety intervention is used with their child. This notification will occur the day the intervention is used. Notifications will include information on the standards for when interventions can be used, a flyer on the parent's rights, and guidance on how to file a complaint with the local school board.

K.A.R. 91-42-5

The State Board of Education developed a process by which parents unsatisfied with the decision of a local school board may request a review of a local board's handling of emergency safety interventions. After first filing a complaint through the school's dispute resolution process, parents may file a request for a review of that resolution within 30 days from the date a local resolution is issued. KSDE staff will investigate and determine if a school violated state law. If a violation is found to have occurred, the school will be asked to comply with the law.

K.A.R. 91-42-6



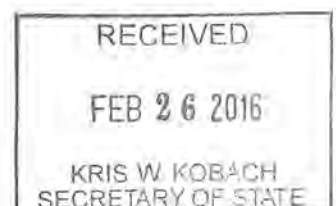
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Law enforcement officers and police officers, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic laws of this state and any Kansas municipality are exempt from the emergency safety intervention limitations placed on school staff.

K.A.R. 91-42-7

The State Board of Education is required to collect data on the use of emergency safety interventions and compile reports based on information provided by school districts. These reports are annually due by January 20th. The State Board will report the total number of times an intervention was used, the total number of interventions involving students with an individualized education program, the total number of interventions involving students with a Section 504 plan, the total number of interventions involving students with behavior intervention plans, the total number of students that were physically restrained, the total number of students that were placed in seclusion, and the average amounts of time that interventions lasted.

The Kansas State Board of Education does not anticipate any significant financial or economic impact to this agency, other state agencies, or to the public as a result of these regulations.



91-42-1. Definitions. As used in this regulation and in K.A.R. 91-42-2 article, each of the following terms shall have the meaning specified in this regulation: (a) “Administrative review” means review by the state board upon request of a parent.

(b) “Chemical restraint” means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.

(c) “Commissioner” means commissioner of education.

(d) “Complaint” means a written document that a parent files with a local board as provided for in this article.

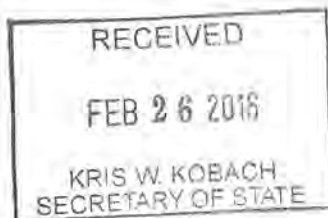
(e) “Department” means the state department of education.

(f) “District” means a school district organized under the laws of this state that is maintaining a public school for a school term pursuant to K.S.A. 72-1106, and amendments thereto. This term shall include the governing body of any accredited nonpublic school.

(g) “Emergency safety intervention” means 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.

(h) “Hearing officer” means the state board's designee to conduct an administrative review as specified in K.A.R. 91-42-5. The hearing officer shall be an officer or employee of the department.

(i) “Local board” means the board of education of a district or the governing body of any accredited nonpublic school.



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(~~e~~) (j) "Mechanical restraint" means any device or object used to limit a student's movement.

(k) "Parent" means any of the following:

(1) A natural parent;

(2) an adoptive parent;

(3) a person acting as a parent, as defined in K.S.A. 72-1046 and amendments

thereto;

(4) a legal guardian;

(5) an education advocate for a student with an exceptionality;

(6) a foster parent, unless the foster parent's child is a student with an exceptionality;

or

(7) a student who has reached the age of majority or is an emancipated minor.

(~~e~~) (l) "Physical escort" means the temporary touching or holding the hand, wrist, arm, shoulder, or back of a student who is acting out for the purpose of inducing the student to walk to a safe location.

(~~f~~) (m) "Physical restraint" means bodily force used to substantially limit a student's movement, except that consensual, solicited, or unintentional contact and contact to provide comfort, assistance or instruction shall not be deemed to be physical restraint.

(~~g~~) (n) "School" means any ~~physical~~ learning environment, including any nonprofit institutional day or residential school ~~and any~~ or accredited nonpublic school, that

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receives public funding or over which the Kansas state department of education has is subject to the regulatory authority of the state board.

(h) (o) "Seclusion;" when used with a student, means that means placement of a student in a location where all the following conditions are met:

- (1) The student is placed in an enclosed area by school personnel.
- (2) The student is purposefully isolated from adults and peers.
- (3) The student is prevented from leaving, or the student reasonably believes that the student will be prevented from leaving, the enclosed area.

(p) "State board" means Kansas state board of education.

(i) (q) "Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being confined secluded. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective April 19, 2013; amended, T- _____, _____; amended P- _____.)

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91-42-2. Policy, documentation, and reporting requirements Standards for the use of emergency safety interventions. (a) ~~Each district shall develop and implement written policies to govern the use of emergency safety interventions over all schools. At a minimum, written district policies shall conform to the definitions and requirements of these regulations, including that seclusion and physical restraint shall be used only when student conduct meets the definition of necessitating an emergency safety intervention. Parents shall be annually provided with the written policies on the use of emergency safety interventions. The written policies shall include the following:~~

~~(1) Policies and procedures for the use of emergency safety interventions: An emergency safety intervention shall be used only when a student presents a reasonable and immediate danger of physical harm to the student or others with the present ability to effect such physical harm. Less restrictive alternatives to emergency safety interventions, including positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior before 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.~~

~~(b) Use of an emergency safety intervention for purposes of discipline or punishment or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.~~

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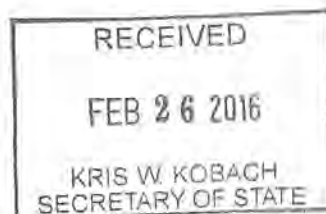
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(c) A student shall not be subjected to seclusion if the student is known to have a medical condition that could put the student in mental or physical danger as a result of seclusion. The existence of the medical condition must be indicated in a written 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.

(d) When a student is placed in seclusion, a school employee shall be able to see and hear the student at all times.

(e) Each seclusion room equipped with a locking door shall be designed to ensure that the lock automatically disengages when the school employee viewing the student walks away from the seclusion room, or in cases of emergency, including fire or severe weather.

(f) Each seclusion room shall be a safe place with proportional and similar characteristics as other rooms where students frequent. Each room shall be free of any condition that could be a danger to the student and shall be well-ventilated and sufficiently lighted.

~~(A)(g) Policies and procedures shall prohibit~~ The following types of restraint shall be prohibited:

- ~~(i)(1) The use of~~ Prone, or face-down, physical restraint;
- (2) supine, or face-up, physical restraint; ~~physical~~
- (3) any restraint that obstructs the airway of a student; ~~or~~
- (4) any ~~physical~~ restraint that impacts a student's primary mode of communication;

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~~(ii)(5) the use of chemical restraint, except as prescribed treatments for a student's medical or psychiatric condition by a person appropriately licensed to issue these treatments; and~~

~~(iii)(6) the use of mechanical restraint, except those protective or stabilizing devices either ordered by a person appropriately licensed to issue the order for the device or required by law, any device used by a law enforcement officer in carrying out law enforcement duties, and seatbelts and any other safety equipment when used to secure students during transportation; and.~~

~~(B) written policies developed pursuant to this regulation shall 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, or any combination of these;~~

~~(2) school personnel training consistent with nationally recognized training programs on the use of emergency safety interventions:~~

~~(A) Training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies;~~

~~(B) training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for emergency safety interventions; and~~

~~(C) schools and programs shall maintain written or electronic documentation on training provided and lists of participants in each training;~~

~~(3) written parental notification whenever an emergency safety intervention is used. This notification shall be provided within two school days;~~

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~~(4) documentation of any incident of emergency safety intervention, which 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;~~

~~(5) procedures for the collection, maintenance, and periodic review of the use of emergency safety intervention at each school, which shall include the documentation described in paragraph (a)(4); and~~

~~(6) a local dispute resolution processes. Each district shall develop policies that, at a minimum, shall include the following:~~

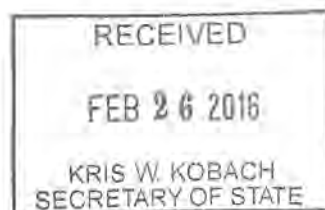
~~(A) A complaint investigation procedure;~~

~~(B) a procedure for parents to present written complaints to the local board of education to initiate complaint investigation by the local board of education; and~~

~~(C) a procedure for parents, the school, and the Kansas state department of education to receive written findings of fact and, if necessary, corrective action from the local board of education within 30 days of filing of a complaint by a parent.~~

~~(b) Each district shall develop a system to collect and maintain documentation for each use of an emergency safety intervention, which shall include the information described in paragraph (a)(4).~~

~~(1) Information maintained by the school shall be compiled and submitted, at least biannually, to the district superintendent or district designee.~~



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~~(2) Documentation of any school's or district's use of emergency safety intervention shall be provided to the Kansas state department of education upon written request of the Kansas state department of education.~~

~~(3) Each district shall report all incidents of emergency safety intervention to the Kansas state department of education by the date and in the form specified by the Kansas state department of education. An annual report shall be provided by the Kansas state department of education to the Kansas state board of education.~~

(h) The following shall not be deemed an emergency safety intervention:

(1) Physical escort; and

(2) time-out. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective April 19, 2013; amended, T-_____, _____; amended P-_____.)

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91-42-3. District policy; training; local board dispute resolution. (a) Each district shall develop and implement written policies to govern the use of emergency safety interventions over all schools. At a minimum, written district policies shall conform to the standards, definitions, and requirements of this article. The written policies shall also include the following:

(1) (A) School personnel training shall be designed to meet the needs of personnel as appropriate to their duties and potential need for the use of emergency safety interventions;

(B) training shall address prevention techniques, de-escalation techniques, and positive behavioral intervention strategies;

(C) any training on the use of emergency safety interventions by the district shall be consistent with nationally recognized training programs; and

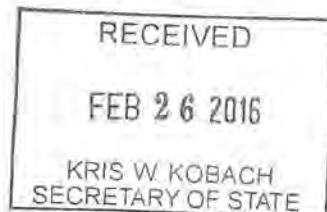
(D) schools and programs shall maintain written or electronic documentation on training provided and lists of participants in each training; and

(2) a local dispute resolution process, which shall include the following:

(A) A procedure for a parent to file a complaint with the local board. If a parent believes that an emergency safety intervention has been used with the parent's child in violation of this article or the district's emergency safety intervention policy, the parent may file a complaint with the local board. The complaint shall be filed within 30 days of the date on which the parent was informed of the use of that emergency safety intervention;

(B) a complaint investigation procedure;

(C) a dispute resolution final decision. The local board's final decision shall be in writing and shall include findings of fact and any corrective action required by the district



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if the local board deems these actions necessary. The local board's final decision shall be mailed to the parent and the department within 30 days of the local board's receipt of the complaint; and

(D) a statement of the parent's right to request an administrative review by the state board as specified in K.A.R. 91-42-5, including information as to the deadline by which the parent must submit the request to the state board;

(3) a system for the collection and maintenance of documentation for each use of an emergency safety intervention, which shall include the following:

(A) The date and time of the emergency safety intervention;

(B) the type of emergency safety intervention;

(C) the length of time the emergency safety intervention was used;

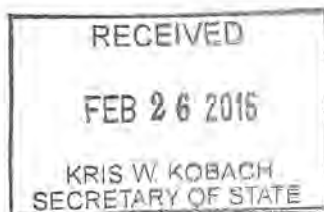
(D) the school personnel who participated in or supervised the emergency safety intervention;

(E) whether the student had an individualized education program at the time of the incident;

(F) whether the student had a section 504 plan at the time of the incident; and

(G) whether the student had a behavior intervention plan at the time of the incident;

(4) procedures for the periodic review of the use of emergency safety intervention at each school, which shall be compiled and submitted at least biannually to the district superintendent or district designee; and



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(5) a schedule for when and how parents are provided with notice of the written policies on the use of emergency safety interventions.

(b) Written policies developed pursuant to this article shall 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. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-_____, _____; effective P-_____.)

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91-42-4. Parent notification; required meeting; filing a complaint. (a) When an emergency safety intervention is used with a student, the school shall notify the parent the same day the emergency safety intervention was used. If the parent cannot be notified, the school shall notify the emergency contact person for the student.

(b) The school shall provide documentation of the emergency safety intervention used to the parent no later than the school day following the day on which the emergency safety intervention was used. This documentation 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.

(c) In addition to the documentation required by subsection (b), the school shall provide the parent additional information.

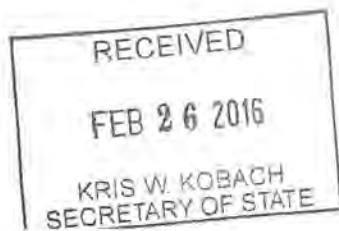
(1) After the first incident in which an emergency safety intervention is used with a student during the school year, the school shall provide the following information in printed form to the parent:

(A) A copy of the standards of when emergency safety interventions can be used;

(B) a flyer on the parent's rights;

(C) 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

(D) information that will assist the parent in navigating the complaint process, including contact information for the parent training and information center and protection and advocacy system.



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(2) After subsequent incidents in which an emergency safety intervention is used with a student during the school year, the school shall provide a full web site address containing the information in paragraph (b)(1).

(d)(1) If there is a third incident involving the use of emergency safety interventions within a school year on a student who has an individualized education program or a section 504 plan, then the student's individualized education program team or section 504 plan team shall meet within 10 days after the third incident to discuss the incident and consider the need to conduct a functional behavioral analysis, develop a behavior intervention plan, or amend either if already in existence, unless the individualized education program team or the section 504 plan team has agreed on a different process.

(2) If there is a third incident involving the use of emergency safety interventions within a school year on a student who is not described in paragraph (d)(1), then a meeting between the student's parent and school employees shall be conducted within 10 days after the third incident to discuss the incident and consider the appropriateness of a referral for an evaluation under the special education for exceptional children act, K.S.A. 72-961 et seq. and amendments thereto, the need for a functional behavioral analysis, or the need for a behavior intervention plan. Each meeting called pursuant to this subsection shall include the student's parent, a school administrator for the school where the student attends, one of the student's teachers, a school employee involved in the incident, and any other school employees designated by the school administrator as appropriate for the meeting.

(3) The student shall be invited to any meeting called pursuant to this subsection.

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(4) The time for calling a meeting pursuant to this subsection shall be extended beyond the 10-day limit if the parent of the student is unable to attend within that time period.

(5) Nothing in this subsection shall be construed to prohibit the development and implementation of a functional behavioral analysis or a behavior intervention plan for any student if the student could benefit from such measures but has had fewer than three incidents involving emergency safety interventions within a school year.

(e) If a parent believes that emergency safety interventions have been used in violation of this article or policies of the school district, then within 30 days from being informed of the use of emergency safety intervention, the parent may file a complaint through the local dispute resolution process. Any parent may request an administrative review by the state board within 30 days from the date the final decision was issued pursuant to the local dispute resolution process.

(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective,

T-_____, _____; amended P-_____.)

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91-42-5. Administrative review. (a) Any parent who filed a written complaint with a local board regarding the use of emergency safety intervention may request an administrative review by the state board of the local board's final decision.

(b) Each parent seeking administrative review shall provide the following information in the request:

(1) The name of the student and the student's contact information;

(2) the name and contact information, to the extent known, for all involved parties, including teachers, aides, administrators, and district staff;

(3) a detailed statement of the basis for seeking administrative review, with all supporting facts and documentation. The documentation shall include a copy of the complaint filed with the local board and shall include the local board's final decision, if issued. The request shall be legibly written or typed and shall be signed by the parent. Relevant written instruments or documents in the possession of the parent shall be attached as exhibits or, if unavailable, referenced in the request for administrative review; and

(4) written consent to disclose any personally identifiable information from the student's education records necessary to conduct an investigation pursuant to this regulation.

(c)(1) Each request for administrative review shall be filed with the commissioner within 30 days from the date a final decision is issued pursuant to the local dispute resolution process or, if a final decision is not issued, within 60 days from the date a written complaint was filed with the local board.

(2) The hearing officer shall forward a copy of the request for administrative review to the clerk of the local board from whom the administrative review is sought.



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(d) Upon receipt of each request for administrative review, the hearing officer shall consider the local board's final decision and may initiate its own investigation of the complaint. Any investigation may include the following:

(1) A discussion with the parent, during which additional information may be gathered and specific allegations identified, verified, and recorded;

(2) contact with the local board or other district staff against which the request for administrative review is filed to allow the local board to respond to the request with facts and information supporting the local board's final decision; and

(3) an on-site investigation by department officers or employees.

(e) If the hearing officer receives information that the hearing officer determines was not previously made available to both parties during the local board dispute resolution process, the hearing officer may remand the issue back to the local board. The local board then has 30 days to issue a written amended final decision.

Upon remand, the hearing officer's case will be closed. All rights to and responsibilities of an administrative review shall begin again when the local board's amended final decision is issued or upon 30 days from when the hearing officer's remand is issued, whichever occurs first.

(f) Within 60 days of the commissioner's receipt of the request for administrative review, the hearing officer shall inform the parent, the school's head administrator, the district superintendent, the local board clerk, and the state board in writing of the results of the administrative review. This time frame may be extended for good cause upon approval of the commissioner.

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(g) The results of the administrative review shall contain findings of fact, conclusions of law, and, if needed, suggested corrective action. The hearing officer shall determine whether the district is in violation of this article based solely on the information obtained by the hearing officer during the course of the investigation and the administrative review process. This determination shall include one of the following:

(1) The local board appropriately resolved the complaint pursuant to its dispute resolution process.

(2) The local board should reevaluate the complaint pursuant to its dispute resolution process with suggested findings of fact.

(3) The hearing officer's suggested corrective action is necessary to ensure that local board policies meet the requirements of law.

(h) Nothing in this regulation shall require exhaustion of remedies under this regulation before using procedures or seeking remedies that are otherwise available. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-_____, _____; amended P-_____.)

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91-42-6. Exemptions. (a) As used in this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) "Appointing authority" means a person or group of persons empowered by statute to make human resource decisions that affect the employment of officers.

(2) "Campus police officer" means a school security officer designated by the board of education of any school district pursuant to K.S.A. 72-8222, and amendments thereto.

(3) "Law enforcement officer" and "police officer" mean a full-time or part-time salaried officer or employee of the state, a county, or a city, whose duties include the prevention or detection of crime and the enforcement of criminal or traffic laws of this state or of any Kansas municipality. This term shall include "campus police officer."

(4) "Legitimate law enforcement purpose" means a goal within the lawful authority of an officer that is to be achieved through methods or conduct condoned by the officer's appointing authority.

(5) "School resource officer" means a law enforcement officer or police officer employed by a local law enforcement agency who is assigned to a district through an agreement between the local law enforcement agency and the district.

(6) "School security officer" means a person who is employed by a board of education of any school district for the purpose of aiding and supplementing state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

(b) Campus police officers and school resource officers shall be exempt from the requirements of this article when engaged in an activity that has a legitimate law enforcement purpose.

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(c) School security officers shall not be exempt from the requirements of this article.

(Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective,

T- _____, _____; effective P- _____.)

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91-42-7. Reporting. (a) Each district shall report information from all incidents of emergency safety interventions that the department deems necessary to the department by the date and in the form specified by the department.

(b) The department shall compile reports from schools on the use of emergency safety interventions and provide the results based on aggregate data on the department web site and to the state board, the governor and the committees on education in the senate and the house of representatives by January 20, 2016, and annually thereafter. The department's reported results shall include but shall not be limited to the following information:

- (1) The number of incidents in which emergency safety interventions were used on students who 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;

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(10) the information reported under paragraphs (c)(1) through (c)(3) reported by school to the extent possible;

(11) the information reported under paragraphs (c)(1) through (c)(9) aggregated by age and ethnicity of the students on a statewide basis; and

(12) any other information that the department deems necessary to report. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective, T-_____, _____; effective P- _____.)

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**KANSAS STATE BOARD OF EDUCATION
ECONOMIC IMPACT STATEMENT
K.A.R. 91-42-1 through K.A.R. 91-42-7**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 91-42-1 and 91-42-2 are amended regulations. K.A.R. 91-42-3 through 91-42-7 are new regulations that govern the use of emergency safety interventions (seclusion and restraint) with all students in all Kansas schools. The purpose of the regulations is to establish definitions and requirements for the use of emergency safety interventions in Kansas schools.

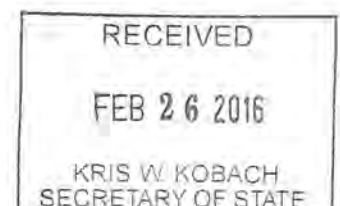
II. Reasons or Reasons the Proposed Regulations Are Required, Including Whether or Not the Regulations Are Mandated by Federal Law.

The proposed regulations are required by the Freedom from Unsafe Restraint and Seclusion Act, K.S.A. 72-89d01 through 72-89d08, and amendments thereto. The regulations establish governing practices for the use of emergency safety interventions in Kansas schools. These regulations are not mandated by federal law.

III. Anticipated Economic Impact upon the Kansas State Board of Education.

An annual report of all incidents of emergency safety intervention is reviewed by the Kansas State Board of Education. The cost to the Kansas State Board of Education in reviewing this report is minimal. It is unknown how many requests for an administrative review will be filed with the Commissioner of Education, but the cost of those reviews are anticipated to be minimal. There is no other anticipated economic impact to the Kansas State Board of Education.

IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.



The Kansas State Board of Education does not anticipate any significant financial or economic impact to this agency, other state agencies, or to the public as a result of these regulations.

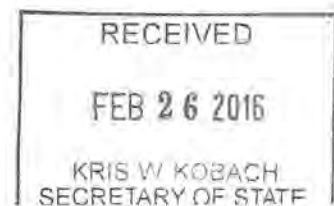
V. Anticipated Economic Impact upon School Districts.

Adoption of these regulations is anticipated to have a minimal economic impact upon school districts, if any. Implementation of the regulatory requirements allows for customization by the local school district. Emergency safety interventions are to be used in emergency situations only and thus it is anticipated the interventions will be used sparingly, if at all. The notice and reporting requirements found in the regulations are anticipated to be transitioned into work the school districts are currently doing with no additional economic impact.

Transportation costs for individuals from districts to attend training and costs for substitute teachers during training may have an economic impact upon school districts. Each district will decide how many staff members to train, if any, and the training to provide. The Kansas State Department of Education will make training, guidance and technical assistance available to all districts for free or at low cost via different mediums including distance learning through webinars. If a district selects off site training, transportation costs will be determined by the distance traveled, and the method of travel. The cost for substitute teachers varies depending on the district with a range of \$80 to \$130 per day depending on the district and an average rate of \$100 per day.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

The Kansas State Board of Education has developed regulations that are anticipated to have a minimal economic impact; therefore, no other methods were considered. Additionally, by



creating regulations that leave most implementation decisions to school districts, the Kansas State Board of Education believes it has come up with the least intrusive method and, therefore, no consideration of other methods was necessary.

