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

Professional Learning Opportunities to Support Positive Student Performance

Emergency Safety Intervention (ESI) Training

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

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

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

CONTINUUM OF SCHOOL-WIDE INSTRUCTIONAL & POSITIVE BEHAVIOR SUPPORT

~80% of Students

~15%

~5%

FEW

SOME

ALL
Function-based Thinking: Behavior is Communicative

- **Student Behavior**
  - **Attention**
    - From Adults
    - From Peers
  - **Tangible**
    - Toy, food, other desired object
  - **Sensory**
    - Flapping, Rocking, Spinning, Tapping, etc.
  - **Escape, Avoid or Delay**
    - Person, Place, Demand, Unpleasant situation
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?

Figure 1.1: Specific Escalating Behavior Chain

- Assault
- Verbal Abuse
- Non-compliance & Defiance
- Arguing
- Questioning

Intensity vs. Time
The Escalation Cycle

High

Behavior Intensity

Low

Time

Calm

Trigger

Agitation

Acceleration

Peak

De-escalation

Recovery

Colvin & Sugai, 1989

www.ksdetasn.org
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

• Project EMPOWER, Early Childhood ESI, Safety First for Early Childhood, In the Driver’s Seat, ESI Part 1 (recorded webinar)


• 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.
- United States Department of Education
- Technical Assistance System Network (TASN)
  - School and families may request assistance
  - [www.ksdetasrn.org](http://www.ksdetasrn.org)
- Multi-Tiered Systems of Support (MTSS)
  - System-wide practices to support behavioral and academic needs
  - [www.kansasmtss.org](http://www.kansasmtss.org)
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References


