

CENTER FOR CREATIVITY, INNOVATION, AND DISCOVERY

Emergency Safety Interventions Policy

Purpose

The Board of Directors of the Center for Creativity, Innovation, and Discovery has established this policy consistent with Utah Admin. Code R277- 608 and Utah Code §53G-8-301 to provide guidelines on the use of emergency safety interventions such as restraint and seclusion. The board recognizes that physical restraint and seclusion are emergency procedures that should never be routinely used and only when a student's behavior poses imminent danger of serious physical harm to self or others.

The board acknowledges that every student should have the opportunity to learn in an environment that is safe, conducive to the learning process, and free from unnecessary disruption. Behavioral interventions for students should promote and facilitate their safety and dignity. This policy outlines restrictions on, and allowable uses of, emergency safety interventions, as well as the criteria and steps for using emergency safety interventions consistent with state and federal law.

Definitions

Chemical Restraint: means the use of medication administered to a student, including medications prescribed by the student's physical or other qualified health professional, on an as-needed basis for the sole purpose of involuntarily limiting the student's freedom of movement. The use of chemical restraints is prohibited by the Utah State Board of Education.

Comprehensive Emergency Safety Intervention Training: means a training required for key identified school personnel that has the components described in Utah Admin. Code R277- 608.

Corporal Punishment: means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.

Emergency Safety Intervention or ESI: means the use of seclusionary time out or physical restraint when a student presents an immediate danger to self or others. An emergency safety intervention is not used for disciplinary purposes.

Emergency Safety Intervention Committee or ESI Committee: means a committee established by the school that includes: at least one administrator; at least one licensed educational professional with behavior support training and knowledge in both state law and LEA discipline policies related to ESIs; at least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and at least one other licensed educator.

Functional Behavior Assessment or FBA: means a systematic process used to understand the function and purpose of a student's specific, interfering behavior and factors that contribute to the behavior's occurrence and non-occurrence for developing effective positive behavior interventions, supports, and other strategies to mitigate or eliminate the interfering behavior.

Foundational Behavior Support Training: means a training required for all school employees who supervise students, or may be asked to assist in managing a student's behavior that has the components described in Utah Admin. Code R277-609.

Immediate Danger: means the imminent risk of physical violence toward self or others or other behaviors which are likely to cause substantial bodily injury or serious bodily injury.

Mechanical Restraints: means the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraints are prohibited except for protective and stabilizing restraints as prescribed by an appropriate medical or related services professional, restraints required by law, including seat belts or any other safety equipment when used to secure students during transportation, and any device used by a law enforcement officer in carrying out law enforcement duties.

Physical Escort: means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.

Physical Restraint: means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.

School: means a public or private elementary school, secondary school, or preschool.

School Employee: means a school teacher, a school staff member, a school administrator, or any other person employed, directly or indirectly, by an LEA. School employee does not mean a law enforcement officer.

Seclusion: means seclusionary time out that is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, including: 1). Placing a student in a locked room; or, 2). Placing a student in a room where the door is blocked by furniture or held closed by staff.

Serious Bodily Injury: means bodily injury that creates or causes serious permanent disfigurement, protracted loss of impairment of the function of any bodily member or organ, or creates a substantial risk of death.

Student: means an individual who is under the age of 19 and receiving education services; or, under the age of 23 and receiving educational services as an individual with a disability.

Substantial Bodily Injury: means bodily injury, not amounting to serious bodily injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.

Procedures for the Use of Emergency Safety Interventions

Using Least Restrictive Interventions

These procedures require that a school employee must first use the least restrictive intervention available to the school employee, including a physical escort, before using physical restraint or seclusion. An Emergency Safety Intervention may **not** be used in place of less restrictive interventions. Nothing described below shall prohibit a school employee from using less intrusive means to address circumstances described in Utah Code §53G-8-301.

Using Physical Restraint and Seclusion

In accordance with Utah Code §53G-8-301 and Utah Admin. Code R277-608, this section of the policy sets forth the circumstances under which a school employee may use reasonable and necessary physical restraint and seclusion.

- In accordance with Utah Admin. Code R277-608, the school confirms that key identified employees may use reasonable and necessary physical restraint in self-defense or when otherwise appropriate to the circumstances as outlined in Utah Code §53G-8-301.
- The key identified school employees who are most likely to need to restrain a student will be provided with on-going, comprehensive ESI training. These include administrators and staff members who supervise students or assist in managing student behavior, including those working with students with disabilities.
- All staff members will be trained regarding the use of positive behavior intervention strategies, de-escalation techniques, and prevention techniques consistent with nationally recognized training programs on ESI. The intensity of training will depend on the employee's position.
- When Emergency Safety Interventions are used, the Executive Director will ensure that the school immediately and continuously reviews the decision to use ESI.
- A school employee may use reasonable and necessary Emergency Safety Interventions only:
 - In self-defense;
 - To obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
 - To protect a student or another individual from physical injury;
 - To remove from a situation a student who is violent; or,

- To protect property from being damaged, when physical safety is at risk.

Physical Restraint

- A school employee may not use physical restraint as a means of discipline or punishment but only to maintain safety.
- A school employee may not use physical restraint on a student for more than the shortest of the following before stopping, releasing, and reassessing the intervention used:
 - The amount of time described in the school's emergency intervention training program;
 - 30 minutes; or,
 - when law enforcement arrives.
- A physical restraint must be immediately terminated when:
 - A student is no longer an immediate danger to self or others; or,
 - A student is in severe distress; and,
 - The use of physical restraint shall be for the minimum time necessary to ensure safety; and,
 - Release criteria must be implemented.
- If a school employee physically restrains a student, the school or the employee shall provide notice immediately, and may not exceed 15 minutes after use.
- The notice shall be provided to the student's parent or guardian and the school administration.

Seclusion

- A school employee may **not** use seclusion:
 - As a disciplinary practice;
 - For coercion, retaliation, or humiliation;
 - Due to inadequate staffing; or,
 - For the staff member's convenience.
- A school employee may not place a student in seclusion for more than 30 minutes, per occurrence.
- The use of seclusion or a seclusionary time out is prohibited for kindergarten students.
- For students in grade 1 or higher, a school employee may use seclusion as an emergency safety intervention only when:
 - A student poses an immediate and significant threat to the student or others;
 - Less restrictive interventions have failed;
 - A staff member who is familiar to the student is actively supervising the student for the duration of the seclusion; and,

- The use of seclusion is continually monitored;
- The use of seclusion is time-limited to a maximum time of 30 minutes.
- If a school employee uses seclusion, the school employee shall:
 - Use the minimum time necessary to ensure safety, as reasonably understood by the school employee, and no more than 30 minutes;
 - Immediately terminate the use of seclusion when a student is no longer an immediate danger to self or others;
 - Ensure that any door remains unlocked consistent with the fire and public safety requirements described in Rules R392-200 and R710-4;
 - Ensure the student is observed at all times by personnel who have received the comprehensive ESI training; and,
 - Have used other less restrictive interventions before the use of seclusion.
- If a student is placed in seclusion, the school or the school employee shall provide notice immediately, and not to exceed 15 minutes after use to:
 - the student's parent or guardian; and,
 - school administration.

Use of Emergency Safety Interventions for Students with Disabilities

Use of ESI for a student with a disability may not be written into a student's individualized education program (IEP) as a planned intervention unless:

- School personnel, the family, and the IEP team agree that less restrictive means have been attempted;
- A Functional Behavior Assessment has been conducted; and,
- A positive intervention, based on data analysis, has been written into the plan and implemented; and,
- Other dangerous practices as defined by the school and its policies, including dangerous practices outlined in the Least Restrictive Behavior Interventions (LRBI) Technical Assistance manual incorporated by reference are prohibited.
- A school employee may only use ESI for a student with a disability consistent with the school's Special Education Policies and Procedures, and in accordance with state and federal law.

Required Notification Upon the Use of Physical Restraint or Seclusion

- If a school employee physically restrains a student, the school or the school employee shall provide notice immediately or not more than 15 minutes after the use of physical restraint or seclusion to:
 - The student's parent or guardian; and,
 - The school administration.
- The notification must include the reason for the use of seclusion, its duration, and any alternative strategies attempted.

- If a school employee physically restrains a student, the school or school employee shall provide documentation of the physical restraint to the LEA's ESI committee and the student's parent or guardian.
- This notice shall be documented within the student information systems (SIS) records.

Reporting, Reviewing Data, and Maintenance of Records

When physical restraint or seclusion has been used as an emergency safety intervention, the school employees involved in using physical restraint or seclusion and administrators must document the emergency safety intervention by:

- Creating a written record of the circumstances and use of physical restraint or seclusion;
- Reporting the use of physical restraint or seclusion to a parent or guardian, the Executive Director, and, as required, to the Utah State Board of Education.
- Documenting the use of physical restraint or seclusion by including the following:
 - The specific physical restraint procedure used;
 - A description of the place and protocols used for seclusion;
 - The time of day, duration, and location of the event;
 - A detailed account of the events that occurred before, during, and after the use of a physical restraint or seclusion procedure.
- After the use of ESI, the administration will take the following actions:
 - Follow a process to debrief the incident and plan for prevention;
 - Consider the occurrence of any crisis situation requiring the use of ESI as a prevention failure;
 - Make informed adjustments to prevent the need to use ESI;
 - Review the use of ESI to ensure school personnel use these crisis procedures in accordance with school policies and state law;
 - Ensure that the ESI Committee reviews data surrounding documented incidents to understand whether prevention or reducing behavioral crises at each level has been successful;
 - Analyze and assess data to determine whether the use of ESI stems from a lack of prevention or a need for more targeted, Tier 3 support in order to reduce or eliminate the use of ESI;
 - Maintain records and documents related to the use of ESI at the school in accordance with the state-approved retention schedule.
 - Dispose of records in accordance with the state-approved retention schedule to ensure that data is retained only as long as it is needed for administrative, legal, or fiscal purposes.

Prohibited Emergency Safety Intervention Practices

This policy prohibits the use of emergency safety interventions listed below:

- Physical restraint, except when a student presents a danger of serious physical harm to self or others;
- Seclusion, except when a student presents an immediate danger of serious physical harm to self or others.
- Physical restraint that obstructs the airway of a student, or any physical restraint that adversely affects a student's primary mode of communication;
- Prone, or face-down, physical restraint;
- Supine, or face-up, physical restraint;
- Mechanical restraint, except those that are protective, stabilizing, or required by law; devices used by a law enforcement officer in carrying out law enforcement duties; seat belts, car seats; or any other safety equipment when used to secure students during transportation, including bus harnesses;
- Use of a bus harness except when approved by the Executive Director, the Director of Special Education, and as part of a student's written Behavior Intervention Plan (BIP);
- Chemical restraints.

Emergency Safety Intervention (ESI) Committee

Per Utah Admin. Code R277-608, the school shall establish an Emergency Safety Intervention (ESI) Committee to include the following:

- At least one administrator;
- At least one licensed educational professional with behavior support training and knowledge in both state law and LEA discipline policies related to ESIs;
- At least one parent or guardian of a student enrolled in the LEA, appointed by the LEA; and,
- At least one other licensed educator.
- The committee shall meet often enough to monitor the use of emergency safety intervention in the school;
- The committee shall determine and recommend professional development needs related to emergency safety interventions;
- The committee shall develop policies for local dispute resolution processes to addresses concerns regarding disciplinary actions; and,
- The committee shall ensure that each emergency incident where a school employee uses an emergency safety intervention is documented in the school's student information system and reported to the Superintendent through the USBE's UTREx system.

Emergency Safety Intervention (ESI) Training Requirements

- All school employees who supervise students, or who may be asked to assist in managing a student' behavior, shall receive foundational behavior support training, including behavioral or emotional crisis management, including de-escalation strategies consistent with the LRBI manual incorporated by reference into Utah Admin. Code R277-609; and school policies related to ESI.
- A staff member must complete foundational support training within two months or 30 days of employment and bi-annually thereafter if that staff member works directly with a student with disabilities.
- Key identified school employees will receive comprehensive ESI training in addition to the foundational behavior support training.
- The comprehensive ESI training shall include:
 - The appropriate, safe, and effective use of ESI; and,
 - Documentation of ESI.
- The comprehensive ESI training shall be completed before a school employee is authorized to use an ESI with a student and annually thereafter.

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