То:	Board of Education
From:	David Cunningham, executive director human resources & legal counsel, ext. 4937
Re:	Policy Update to GAAF Emergency Safety Interventions Final Approval of Responsible Use Guidelines for 1:1 Initiative and Modification to Student Acceptable use Policy
Date:	July 21, 2016

Background:

The board has previously adopted GAAF on October 28, 2013 to comply with the statutory requirement to have a policy on emergency safety interventions. The policy was last amended on August 10, 2015. During the 2016 legislative session, several statutory amendments were enacted requiring additional changes to the policy. The Kansas Association of School Boards has prepared a recommended policy that includes all of the required changes to ensure compliance with the statutory requirements. Several changes to the forms used for reporting have also been changed by the Kansas Department of Education and those modifications have been made by the student intervention services department.

The board received a report on July 11, 2016 regarding the Responsible Use Guidelines and revisions to the Student Acceptable Use Guidelines. There have been no suggested changes to either of these documents.

Rationale:

The modifications to the existing policy (GAAF) are necessary to ensure compliance with the 2016 Legislative enactments.

Adoption of the Responsible Use Guidelines for 1:1 Initiative and the amendments to the Student Acceptable Use Policy will provide guidance for students and parents with respect to the devices received at the beginning of the school year.

Recommendation:

Staff recommends the board review the proposed changes to GAAF for adoption at the August 8, 2016 board meeting to ensure compliance with statutory requirements regarding emergency safety interventions.

Staff also recommends the board take final action to adopt the Responsible Use Guidelines for 1:1 Initiative and the amendments to the Student Acceptable Use Policy.

Motion:

"I move that the Board of Education approve the review of the referenced policy for possible amendment and adoption at its August 8, 2016 meeting and the adoption of the

Responsible Use Guidelines for 1:1 Initiative and the amendments to the Student Acceptable Use Policy."

GAAF <u>Emergency Safety Interventions</u> (See GAO, JRB, JQ, and KN)GAAF

The board of education is committed to limiting the use of Emergency Safety Interventions ("ESI"), such as seclusion and restraint, with all students. Seclusion and restraint shall be used only when a student's conduct necessitates the use of an emergency safety intervention as defined below. The board of education encourages all employees to utilize other behavioral management tools, including prevention techniques, de-escalation techniques, and positive behavioral intervention strategies.

This policy shall be made available on the district website with links to the policy available on any individual school pages. In addition, this policy shall be included in at least one of the following: each school's code of conduct, school safety plan, or student handbook. <u>Notice of the online availability of</u> this policy shall be provided to parents during enrollment each year.

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

"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.

"Chemical Restraint" means the use of medication to control a student's violent physical behavior or restrict a student's freedom of movement.

"Emergency Safety Intervention" is the use of seclusion or physical restraint, but does not include physical escort or the use of time-out.

"Incident" means each occurrence of the use of an emergency safety intervention.

<u>"Law enforcement officer" and "police officer" mean a full-time or part-</u> <u>time salaried officer or employee of the state, a county, or a city, whose duties</u> include the prevention or detection of crime and the enforcement of

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criminal or traffic law of this state or any Kansas municipality. This term includes a campus police officer.

"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.

"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; or (6) <u>a foster parent</u>, unless the student is a child with an <u>exceptionality</u>; or (7) a student who has reached the age of majority or is an emancipated minor.

"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.

"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.

<u>"School resource officer" means a law enforcement officer or police</u> 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.

"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

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state and local law enforcement agencies in which the school district is located, but is not a law enforcement officer or police officer.

"Seclusion" means placement of a student in a location where all of 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; and (3) the student is prevented from leaving, or reasonably believes that he or she will be prevented from leaving the enclosed area.

"Time-out" means a behavioral intervention in which a student is temporarily removed from a learning activity without being <u>confinedsecluded</u>.

Prohibited Types of Restraint

All staff members are prohibited from engaging in the following actions with all students:

- Using face-down (prone) physical restraint;
- Using face-up (supine) physical restraint;
- Using physical restraint that obstructs the student's airway;
- Using physical restraint that impacts a student's primary mode of communication;
- Using chemical restraint, except as prescribed <u>treatments for a</u> <u>student's by a licensed healthcare professional for treatment of a</u> medical or psychiatric condition by a person appropriately licensed to <u>issue such treatments</u>; and
- Use of mechanical restraint, *except*:
 - Protective or stabilizing devices required by law or used in accordance with an order from a licensed healthcare

- Any device used by <u>a certified</u> law enforcement officers to carry out law enforcement duties; or
- Seatbelts and other safety equipment <u>when</u> used to secure students during transportation.

Use of Emergency Safety Interventions

ESI shall be used only when a student presents a reasonable and immediate danger of physical harm to such student or others with the present ability to effect such physical harm. Less restrictive alternatives to ESI, such as positive behavior interventions support, shall be deemed inappropriate or ineffective under the circumstances by the school employee witnessing the student's behavior prior to the use of any ESI. The use of ESI 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 ESI. Use of an ESI for purposes of discipline, punishment, or for the convenience of a school employee shall not meet the standard of immediate danger of physical harm.

Seclusion ESI Restrictions

A student shall not be subjected to seclusion <u>ESI</u> if the student is known to have a medical condition that could put the student in mental or physical danger as a result of <u>seclusionESI</u>. The existence of such medical condition must be indicated in a written statement from the student's licensed health care provider, a copy of which has been provided to the school and placed in the student's file.

Such written statement shall include an explanation of the student's diagnosis, a list of any reasons why ESI would put the student in mental or physical danger, and any suggested alternatives to ESI. Notwithstanding the provisions of this subsection, a student may be subjected to ESI, if not subjecting the student to ESI would result in significant physical harm to the student or others.

Use of Seclusion

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

_____All seclusion rooms 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 case of emergency, such as fire or severe weather.

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

<u>Training</u>

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 on the use of emergency safety interventions 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 more intense training than staff who do not work directly with students in the classroom. District and building administration shall make the determination of the intensity of training required by each position.

Each school building shall maintain <u>written or electronic</u> documentation regarding the training that was provided and a list of participants, <u>which shall</u> be made available for inspection by the state board of education upon request.

Notification and Documentation

The principal or designee shall notify the parent, or if a parent cannot be notified then shall notify an emergency contact person for such student, the same day the ESI was used<u>as</u> an incident. The same-day notification requirement of this subsection shall be deemed satisfied if the school attempts at least two methods of contacting the parent. A parent may designate a preferred method of contact to receive the same-day notification. Also, a parent may agree, in writing, to receive only one same-day notification from the school for multiple incidents occurring on the same day.

_____Documentation of the ESI used shall be completed and provided to the student's parents no later than the school day following the day on which the ESI was used of the incident. Such written documentation shall include: (A) The events leading up to the incident; (B) student behaviors that necessitated the ESI; (C) steps taken to transition the student back into the educational setting; (D) the date and time the incident occurred, the type of ESI used, the duration of the ESI, and the school personnel who used or supervised the ESI; (E) space or an additional form for parents to provide feedback or comments to the school regarding the incident; (F) a statement that invites and strongly encourages

parents to schedule a meeting to discuss the incident and how to prevent future incidents; and (G) email and phone information for the parent to contact the school to schedule the ESI meeting. Schools may group incidents together when documenting the items in subparagraphs (A), (B) and (C) if the triggering issue necessitating the ESIs is the same.

_____The parent shall be provided the following information after the first and each subsequent incident in which an ESI is used during each school year: (1) a copy of this policy which indicates when ESI can be used; (2) a flyer on the parent's rights; (3) information on the parent's right to file a complaint through the local dispute resolution process (which is set forth in this policy) and, once it has been developed, the complaint process of the state board of education; and (4) information that will assist the parent in navigating the complaint process, including contact information for Families Together and the Disability Rights Center of Kansas. Upon the first occurrence of an incident involving the use of emergency safety interventionsof ESI, the foregoing information shall be provided in printed form_or, upon the parent's written request, by email. Uand upon the occurrence of a second or subsequent incident, the parent shall be provided through with a full and direct website address containing such information.

Law Enforcement, School Resource, and Campus Security Officers

Campus police officers and school resource officers shall be exempt from the requirements of this policy when engaged in an activity that has a legitimate law enforcement purpose. School security officers shall not be exempt from the requirements of this policy.

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If a school is aware that a law enforcement officer or school resource officer has used seclusion, physical restraint, or mechanical restraint on a student, the school shall notify the parent the same day using the parent's preferred method of contact. A school shall not be required to provide written documentation to a parent, as set forth above, regarding law enforcement use of an emergency safety intervention, or report to the state department of education any law enforcement use of an emergency safety intervention. For purposes of this subsection, mechanical restraint includes, but is not limited to, the use of handcuffs.

Documentation of ESI Incidents

In additionExcept as specified above with regard to law enforcement or school resource officer use of emergency safety interventions, each building shall maintain documentation any time ESI is used with a student. Such documentation must include all of the following:

- Date and time of the intervention<u>ESI</u>,
- Type of intervention<u>ESI</u>,
- Length of time the intervention <u>ESI</u> was used, and
- School personnel who participated in or supervised the interventionESI,
- Whether the student had an individualized education program at the time of the incident.
- Whether the student had a section 504 plan at the time of the incident, and whether the student had a behavior intervention plan at the time of the incident.

All such documentation shall be provided to the building principal, who shall be responsible for providing copies of such documentation to the superintendent <u>or the superintendent's designee</u> on at least a biannual basis. At least once per school year, each building principal 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

District administration shall report ESI data to the state department of education as required.

<u>Three (3) Incidents of ESI for Same Student</u>Parent Right to Meeting on ESI Use

After each incident, a parent may request a meeting with the school to discuss and debrief the incident. A parent may request such meeting verbally, in writing, or by electronic means. A school shall hold a meeting requested under this subsection within 10 school days of the parent's request. The focus of any such meeting shall be to discuss proactive ways to prevent the need for emergency safety interventions and to reduce incidents in the future.

<u>For</u> a student with an IEP or a Section 504 plan has three incidents of ESI in a school year, then such student's IEP team or Section 504 <u>plan</u> team shall meet within ten (10) days following the third incident to discuss the incident and consider the need to conduct a functional behavioral assessment, develop a behavior intervention plan, or amend the behavior intervention plan if already in existence, unless the IEP team or Section 504 team has agreed on a different process.

For a student with a section 504 plan, such student's section 504 plan team shall discuss and consider the need for a special education evaluation. For students who have an individualized education program and are placed in a private school by a parent, a meeting called under this subsection shall include the parent and the private school, who shall consider whether the parent should request an individualized education program team meeting. If the parent requests an individualized education program team meeting, the private school shall help facilitate such meeting.

If For a student without an IEP or Section 504 plan, has three incidents of ESI in a school year, then the school staff and the parent shall meet within ten (10) days following the third incident to discuss the incident and consider the appropriateness of a referral for a special education evaluation, the need for a functional behavioral assessment, or the need for a behavior intervention plan. Any such meeting shall include the student's parent, a school administrator for the school 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 such meeting.

The student who is the subject of such meetings after a third ESI incident shall be invited to attend the meeting at the discretion of the parent. The time for calling such a meeting may be extended beyond the 10-day limit if the parent of the student is unable to attend within that time period. Nothing in this section shall be construed to prohibit the development and implementation of a functional behavior assessment or a behavior intervention plan for any

student who has not had three ESI incidents in a school year<u>if such student</u> would benefit from such measures.

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Local Dispute Resolution Process

If a parent believes that an emergency safety intervention has been used on the parent's child in violation of state law or board policy, the parent may file a complaint as specified below.

_____The board of education encourages parents to attempt to resolve issues relating to the use of ESI informally with the building principal and/or the superintendent before filing a formal complaint with the board. <u>Once an</u> <u>informal complaint is received, the administrator handling such complaint shall</u> <u>investigate such matter, as deemed appropriate by the administrator.</u> In the event that the complaint is resolved informally, the administrator must provide a written report of the informal resolution to the superintendent and the parents and retain a copy of the report at the school. The superintendent will share the informal resolution with the board of education and provide a copy to the state department of education.

If the issues are not resolved informally with the building principal and/or the superintendent, the parents may submit a formal written complaint to the board of education by providing a copy of the complaint to the clerk of the board and the superintendent within thirty (30) days after the parent is informed of the ESI incident.

Upon receipt of a formal written complaint, the board president shall assign an investigator to review the complaint and report findings to the board as a whole. Such investigator may be a board member, a school administrator selected by the board, or a board attorney. Such investigator shall be informed of the obligation to maintain confidentiality of student records and shall report

the findings <u>of fact</u> and recommended <u>corrective</u> action<u>, if any</u>, to the board in executive session.

Any such investigation must be completed within thirty (30) days of receipt of the formal written complaint by the board clerk and superintendent. On or before the 30th day after receipt of the written complaint, the board shall adopt written findings of fact and, if necessary, appropriate corrective action. A copy of the written findings of fact and any corrective action adopted by the board shall only be provided to the parents, the school, and the state department of education and shall be mailed to the parents and the state department within 30 days of the board's receipt of the formal complaint.

<u>If desired</u> Once such a procedure has been developed, a parent may file a complaint under the state board of education complaint <u>administrative review</u> process within thirty (30) days from the date a final decision is issued pursuant to the local dispute resolution process.

Approved:

KASB Recommendation - 6/19; 12/13; 6/15; 6/16



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RESPONSIBLE USE GUIDELINES FOR 1:1 DEVICES

My student and I are committed to the Responsible Use Guidelines. We commit to discussing and reviewing the following guidelines as it pertains to technology use throughout the district.

Lawrence Public Schools uses technology to help students learn. Technology is essential to facilitate the creative problem-solving, information fluency, communication, and collaboration that we see in today's global economy. While we want our students to be active contributors in our connected world, we also want them to be safe, legal, and responsible. The Responsible Use Guidelines for 1:1 Devices support our vision of responsible technology use and promote a strong sense of digital citizenship. These guidelines apply to all Lawrence Public Schools computer networks (including the devices made available to them), and all devices connected to those networks (whether they be student owned or otherwise).

Internet Safety and Security

Communicating Safely Online

Use of the internet and online collaboration is an important part of being in middle school. However, there are still risks involved when engaging in online conversation. Students will understand situations where online talk may be risky. Students will recognize and report any warning signs of online predators. Students will not participate in inappropriate dialogue with others online.

Security of Information

Sharing of information online can be a great way to accomplish a task or work on a project collaboratively. However, there are certain bits of information that students should not share online or with others. Students will not share any of the following:

- Passwords
- Private and personal information about yourself
- Private and personal information about others

Internet Privacy

Many websites collect information from visitors for advertising or data collection purposes. Students will learn and use online privacy terms or agreements. Students will understand how and why companies collect their information so they can make informed decision before providing personal information to a website.

Research and Information Literacy

Searching

Students will use a variety of search engines to search for information and content. Students will understand the functions of effective keywords and categories to find useful and relevant information online.

Research and Evaluation

Students will choose websites with high-quality information and when possible, use multiple sources to find their information. Students will properly cite online resources. Students will be able to identify online advertisements and spam on websites and understand the purpose behind those advertisements.

Digital Citizenship

The internet is a powerful community of connected people. That connection requires levels of responsibilities to one another. Part of being a good digital citizen is using technology in a responsible appropriate way. Below are some specific areas to address with middle school students.

Social Media and Email

Students will have access to a school email account after receiving basic training on email etiquette. Please know that all email can be viewed by teachers, administrators, or parents. Email should be written with thought of the audience and purpose. Online school-approved social media sites are allowed (based on the age of the student). Students will learn about interaction, risks, and responsible use on both school-approved and other social media sites that they may encounter. Abuse or misuse of district email may require disciplinary action.

Commenting Responsibility

As use of social media and other age-appropriate websites becomes available to middle school students, it's important for students to understand the positive and negative aspects of their digital life. Students will be able to make comments on age-appropriate websites or school-approved social media sites. These comments, like anything else on the internet, have a certain amount of digital permanence. Students will display respect and thoughtfulness online by not posting comments that are negative, inappropriate, or personal about others or themselves.

Digital Ethics

Students will use the internet and digital tools to produce content for the classroom. Students will not present the work of others as their own work (known as plagiarism). There may be times when other students have left their own work on a computer or that students will collaborate on a digital project. Students will not delete or damage other students' work intentionally. Students will ask for permission prior to posting videos or photos of students. When working on projects or any other work with online resources, students will follow copyright laws.

Cyberbullying

Cyberbullying is the use of digital technologies or mobile devices to harass, threaten, embarrass, or torment another student. This can happen both directly and indirectly. Students will:

- Identify strategies for dealing with cyberbullying responsibly.
- Analyze and report any offensive online behavior or interactions to a trusted adult.
- Create positive online communities rooted in trust and respect.
- Think before you send or post.

Students will not:

- Publish information that is harmful or embarrassing to others.
- Facilitate in the spreading of rumors via online platforms.
- Participate in online polls, "bash" sessions, or other communities that are harmful to others.

"Sexting" or other inappropriate online interactions

Like cyberbullying, "sexting," or the transmission of inappropriate images or messages digitally, can result in conviction in a court of law. Students will understand the role of digital technologies in relationships. Students will not actively participate in the sharing of inappropriate photos and/or information of themselves or others.

Self-Expression and Identity

There can be a difference between an online versus offline identity. Students need to be aware of these differences and realize that how they present themselves online can affect their relationships, sense of self, and reputations.

Digital Footprints

Information you post on the internet can affect your future. The internet can be a powerful, collaborative tool, but any information you post on it is accessible by anyone even after you have deleted it. Students will not over-share or post inappropriate information online. Students with questions or concerns about posting information should always consult with a trusted adult before posting. When taking or posting photos, see the picture below for best practices.



RESPONSIBLE USE GUIDELINES ACKNOWLEDGEMENT FORM

I understand my technology use and, if applicable, text messaging and social media with district provided resources, <u>are not private</u> and may be viewed by district officials. I understand the school district will provide me with third party accounts and my use of those accounts is also subject to these Responsible Use Guidelines and the Student Acceptable Use Policy (AUP). I understand I have no expectation of privacy and the Lawrence Public Schools will monitor my activity on the computer system.

I have read the Lawrence Public Schools Responsible Use Guidelines for 1:1 Devices and the District Student Acceptable Use Policy (AUP) and agree to abide by their provisions. In consideration for the privilege of using the Lawrence Public Schools technology, electronic communications system, and in consideration for having access to the public networks, I hereby release the district, its operators, and any institutions with which they are affiliated from any and all claims and damages of any nature, including attorney's fees, arising from my use of, or inability to use, the system.

Printed Name	School
Signature	Date
Parent or Legal Guardian Name	
Parent or Legal Guardian Signature	



DISTRICT STUDENT ACCEPTABLE USE POLICY (AUP)

The Lawrence Public Schools provide access for student use of computer technology for student use of the Internet and transmission of data or other information across the network infrastructure. All users must share the responsibility for seeing that our computer facilities are used in an effective, efficient, ethical and lawful manner. It is an opportunity to have access to these extraordinary resources and therefore, all users must agree that they will comply with these guidelines in accordance with KANSAS STATUTE 21-5839 and Board Policies IIBG; IIBGA.

Expectations for All Students

Students will:

- Use technology in the manner directed by building staff and administration.
- Use technology for educational purposes.
- Take care of any district equipment and report damages, problems, or inappropriate materials immediately to a staff member.
- Comply with all copyright, trademarks, and license restrictions, including citing Internet sources as you would all other reference materials.

Students will not:

- Share passwords or provide personal information to non-approved online sources.
- Have any expectation of privacy when using any mobile device (district owned or personal) at school or a school related function or with respect to e-mail, files or directories.
- Use technology to harass others according to Board Policy JGECA.
- Download, store, distribute, or share any software or digital file (such as movies, music, or text) in violation of copyright laws.
- Intentionally access material through, or with, technology that would not be allowed for educational purposes in your school if
 presented in other media.
- Intentionally damage, disable, or hinder the performance (or attempt any of the previous) of any district technology system device, software, or network (inside or outside of the district).
- Access or attempt to access any system, file, directory, user account, or network to which you have not been granted access.
- Use technology in a manner that would hinder the learning environment for you or any other student.
- Install or attempt to install any software on a district owned technology device other than applications approved by the district.
- Attempt to thwart or bypass the district's filtering services or Mobile Device Management (MDM) system(s).

Additional Expectation for Students with Personally Assigned Computing Devices

Students will:

- Regularly save any information stored on a computing device to the district approved storage.
- Expect any device to be regularly inspected for inappropriate material, which might include unlicensed software or inappropriate content and software. Any inappropriate content or unlicensed software will be removed.

Student Use of Personal Mobile Devices at School or School-Related Activities

- Students may use personal mobile devices in the manner directed by building staff and administration.
- Students may, but are not required or expected to, bring a personal mobile device to school or school-related activities.
- Students who bring personal mobile device(s) to school or school-related activities should access the school district's network; however, students should not expect the district's network to be available at all times.
- The district will not be responsible for data or other losses of any kind, economic or otherwise, a student may experience when using a personal mobile device at school or a school-related activity.
- The district will not be responsible for any fees associated with a student's use of a personal mobile device.
- Students are responsible for their own mobile device(s) and understand district personnel will not repair or perform any set-up options to enable student to use a personal mobile device at school or school-related activities.

Consequences for AUP Violations

- Suspension from use of district technology.
- Suspension or expulsion from school.
- The district may notify law enforcement agencies.
- Any consequence outlined in your school handbook.