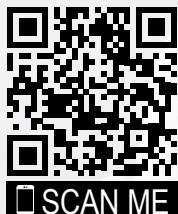




HOW CAN I FILE A COMPLAINT IF ESI WAS USED ON MY CHILD?

KNOW YOUR SPECIAL EDUCATION RIGHTS: A GUIDE FOR PARENTS AND STUDENTS IN KANSAS

This flyer is part of a series of one-page flyers covering over 30 Special Education topics. They are designed to give you “just in time” information for each step of the Special Education process. You can download the whole series in the form of an extensive booklet, or simply choose the topics and view the individual flyers as you need them. See the whole series here.



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The use of seclusion and restraint is called Emergency Safety Interventions (ESI) in Kansas. If you have concerns, you have options when the school uses restraint or seclusion on your child. There are four ways to voice your concerns.

1. Have a meeting with the school about the ESI

You can request a meeting by either calling the school or making the request in writing. It is recommended to make your request in writing, either handwritten, typed, or by email. Then you have documentation. The school has to have the meeting within 10 school days of your request. You can ask for an extension if the school schedules a meeting at a time you can't go. The goal of this meeting is to try to prevent the need to use ESI in the future. The meeting should be about steps to take to reduce the use of ESI on your child. The meeting should include you, a school leader, one of your child's teachers, the school employee who used the ESI and others who are invited by the school. Your child can come to the meeting. In the meeting, you can talk about how to avoid restraint or seclusion in the future. You can also talk about your child's IEP or Section 504 plan. If changes need to be made to the IEP or 504 Plan, then an IEP or 504 plan team meeting should be scheduled. The team must talk about the ESI and consider a functional behavior analysis (FBA), make a behavior intervention plan (BIP) or change the FBA or BIP the student already has.

2. Have a meeting with the principal

You may want to talk to the principal if you are concerned about the incident. You may also want to talk to the principal if you are concerned that the law was not followed.

3. File a written complaint with the local school board

You can write a complaint to the local school board if you think that the school did not follow the law when they used restraint or seclusion on your child. You must file your complaint within 30 days after you were told about the incident. In your complaint, give details to the members of the school board why you believe that the law was not followed. The school board will do an investigation. They have 30 days to tell you the results of the investigation.

4. Request an administrative review by the state board of education

If you do not get a decision from the local school board within 30 days or you do not agree with the decision of the local school board's investigation, you can ask the State board of education to do an investigation. You must do this within 60 days of asking the local school board. The Kansas State Board of Education may talk to you and your local board or school staff. You will be informed of the decision 60 days after your complaint was received.

Sources & Additional Resources:



[*A Family Guide to the Use of Emergency Safety Interventions and Parental Rights.*](https://tinyurl.com/edyrrzun) Families Together, Inc.
<https://tinyurl.com/edyrrzun>



[*Emergency Safety Intervention \(ESI\) Regulations.*](https://tinyurl.com/bae36ejs) Kansas State Department of Education.
<https://tinyurl.com/bae36ejs>



[*Restraint & Seclusion*](https://tinyurl.com/mvksh834)
<https://tinyurl.com/mvksh834>



[*What is ESI?*](https://tinyurl.com/hnab9pjw)
<https://tinyurl.com/hnab9pjw>



[*Notifying a parent of ESI*](https://tinyurl.com/2j29a68m)
<https://tinyurl.com/2j29a68m>

Disclaimer: This fact sheet is not intended to provide specific legal advice. If you need legal advice, please contact an attorney. Only an attorney can give you specific legal advice based on your particular situation. We try to update our materials regularly, but the law can change frequently. This publication is based on the law at the time that it was written. Future changes in the law could make information in this fact sheet inaccurate.



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