

Applying Kansas ESI Statute and Regulations to Early Childhood Settings: Kansas EC-ESI Scenarios –Answer Key

Update August, 2015

These scenarios were originally developed to assist early childhood staff in applying Kansas ESI regulations to everyday situations that can arise with preschoolers. The questions were updated to reflect changes in the 2015 ESI statutes. These scenarios use video clips from the *CSEFEL Preschool Modules** that are also used in *Kansas Safety First* training. Participants apply the definitions from the Kansas ESI statutes, regulations, and KSDE guidance materials and then consider whether they have enough information to answer the questions. Some of these questions are not black and white and definitive answers may require more information than is provided. Discussion will include what would make the example into a non-example, or visa versa and what additional information would be needed to make an informed decision. This version of the scenarios activity includes “Key” responses consistent with Kansas ESI statutes, regulations, and guidance that can be used by a facilitator of group training or an individual early childhood practitioner. A version of the scenarios without answers is also available. Both versions can be downloaded from the KITS Virtual Kit: *Kansas ESI Regulations Apply to Preschoolers!* http://kskits.org/ta/virtualKits/kansasESI_Regs.shtml

Prior to this activity, practitioners should have participated in district ESI training that includes information on changes resulting from the 2015 ESI law. New KSDE-TASN ESI Resources can be found at <http://ksdetasn.org/tasn/emergency-safety-interventions-esi-resources>. One new resource in particular that makes a helpful reference handout to accompany this activity is the *Standards for the use of Emergency Safety Interventions* <http://ksdetasn.org/resources/390>.

Ryan

http://csefel.vanderbilt.edu/modules/module3a/presenters-ppt/V3a_15.mpg

If you experience difficulty with the link above, this video clip is from CSEFEL Preschool Module 3a (Archive) found at <http://csefel.vanderbilt.edu/resources/modules-archive.html>
Scroll down to Video Clips/Observation Vignette #6.

Ryan is a 4-year-old boy with multiple disabilities in an integrated early childhood special education classroom. He is learning a few signs but he primarily communicates by reaching for an adult, grunting, hitting himself, or starting to remove his shirt. Following circle time, Ryan’s teacher assists him in walking to a quiet corner of the room and leaves him there leaning on 2 large pillows. Ryan can pull to sit independently, and a bead maze toy has been placed in his reach. Is this seclusion? Explain your answer.

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No. Ryan was not left in an enclosed area. There were other children nearby. He is mobile and he was not told he couldn't leave. The teacher seemed to place him on the pillows to facilitate play, not for seclusion.

Left alone, Ryan begins to remove his shirt. After freeing one arm from a sleeve, he hits himself in the head once with his fist. A few seconds pass and then Ryan thrusts himself back against the pillows as he makes hitting motions with his fists close to his head and kicks his feet. Is this dangerous behavior (danger to self)? Explain your answer.

It depends on whether or not Ryan is hitting himself, or only making hitting motions, and whether his teacher believes he has the ability to effect physical harm to himself. The pillows are likely there to protect him from banging his head.

Does the behavior appear to be escalating? Explain your answer.

It doesn't appear to be slowing and there was at least a possibility of the behavior becoming dangerous.

The teacher returns and asks Ryan if he needs help. He stops making hitting motions and attends to the teacher, cooperating as she physically prompts him to sign "Help" and physically assists him to put his arm back into his shirt. The teacher asks Ryan if he wants to play with the balls as she places a bead maze toy within reach in front of him, but Ryan reaches for the teacher, pulls to stand holding on to her, and gives her a hug. The teacher accepts his hug, patting him on the back. Was the behavior by Ryan dangerous? Explain your answer.

It doesn't appear dangerous at this point in time and it appears that the behavior was attention-seeking. You would have to know more about Ryan to decide if it would have escalated to dangerous behavior.

Does the teacher use potentially effective redirection statements? Explain your answer.

Some. Her first response strategy was verbal, then verbal + physical, to guide Ryan to use a more appropriate method to gain attention (sign "help"). However, Ryan reached for the teacher and she allowed him to climb up and hug her instead of following her redirection. What do you think Ryan learned from this interaction?

Brendan*

http://csefel.vanderbilt.edu/modules/module3a/presenters-ppt/V3a_02.mpg

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If you experience difficulty with the link above, this video clip is from CSEFEL Preschool Module 3a (Archive) found at <http://csefel.vanderbilt.edu/resources/modules-archive.html>
Scroll down to Video Clips/#2 Brendan: Before PBS Video

*Kansas ESI regulations **do not apply to parents**. As you watch the video clips of Brendan, answer the questions as if Brendan's mother was a teacher instead.*

Brendan is a 3-year boy with an autism spectrum diagnosis. He drops to the ground outside of the library door on the way to story hour. His mother gives him a 10-second count-down. He gets up at the count of 5 and takes several steps away from his mother, who catches him by his arm. Brendan pulls against his mother's grip, kicks his feet briefly, and again drops to the ground. His mother pulls him to his feet holding him by the arm and walks him into the library where he drops to the floor. His mother picks him up and attempts to carry him. Brendan turns away from his mother and arches his body, extending his arms and legs in resistance to being held or carried. Is this restraint? Explain your answer.

Yes. Bodily force was used to substantially limit Brendan's movement (escape) and he was then picked-up to move him into the library as he actively struggled against his mother. It was not consensual, solicited, or unintentional contact to provide comfort, assistance or instruction.

Brendan and Joshua at home

http://csefel.vanderbilt.edu/modules/module3a/presenters-ppt/V3a_12.mpg

If you experience difficulty with the link above, this video clip is from CSEFEL Preschool Module 3a (Archive) found at <http://csefel.vanderbilt.edu/resources/modules-archive.html>
Scroll down to Video Clips/Observation Vignette #3 Video

Brendan wants to use the computer but it's his brother Josh's turn. Mom is using pictures to teach turn taking. When Brendan protests verbally, Mom acknowledges that Brendan wants a turn, shows Brendan the picture of his brother Josh, and tells him: "1 Joshua, 2 Brendan." Brendan looks at the picture and repeats "2 Brendan", fusses and tries to pull the chair away from his brother. Mom provides a redirect and partial physical prompting to encourage Brendan to come with her. Brendan protests verbally and resists physically. Mom shows him his brother's picture again, asks whose turn it is, and Brendan repeats "Brendan's turn". Mom says calmly, "It's Joshua's turn" and Brendan pulls on Joshua's chair and appears to lose his balance and fall to the floor. His mother reaches for Brendan and tells him "Come with me. Do you want me to carry you?" Brendan answers, "Carry me" and holds up his arms

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to be picked up. Mom picks him up and says “I’ll carry you”. Brendan relaxes against her, laying his head on her shoulder, as Mom tells him he’s going to the pool.

Was Brendan’s behavior dangerous? Why, or why not?

Not yet. He did not seem to present a reasonable and immediate danger of physical harm to himself, his brother, or mother, although his behavior at first appeared to be escalating.

What did Brendan’s mom do to keep his behavior from escalating further?

Her first response strategies included verbal prompts, visual/environmental cues, verbal redirection, partial physical redirection, and finally when Brendan appeared to lose his balance and fell, she put out her arms and calmly asked if he wanted to be carried and waited for Brendan to respond. Brendan responded positively with a verbal and physical request to be picked up. You could see him physically relax as his potentially dangerous behavior de-escalated.

Was this restraint? Explain your answer.

No, Brendan asked to be picked up. Physical contact was consensual and solicited, to provide comfort.

Tim with blocks*

http://csefel.vanderbilt.edu/modules/module3a/presenters-ppt/V3a_07.mpg

If you experience difficulty with the link above, this video clip is from CSEFEL Preschool Module 3a (Archive) found at

<http://csefel.vanderbilt.edu/resources/modules-archive.html>

Scroll down to Video Clips/#7 Tim: Before PBS Video

During center time in the block area, four children are playing beside each other. Tim is playing with a ladder while talking to other children followed by comments while his back is to the other children. A girl close to him picks up one of the small blocks on the floor that is close to Tim. He turns, stands up, moves toward her and grabs her hair.

Is this dangerous behavior (danger to others)? Explain your answer.

Yes. Tim’s actions caused immediate physical harm to a peer.

Tim with truck*

http://csefel.vanderbilt.edu/modules/module3a/presenters-ppt/V3a_10.mpg

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If you experience difficulty with the link above, this video clip is from CSEFEL Preschool Module 3a (Archive) found at

<http://csefel.vanderbilt.edu/resources/modules-archive.html>

Scroll down to Video Clips/Observation Vignette #1 Video

During center time while playing with a truck, Tim moves from the block area to an adjoining area where other children are playing. He sticks out his tongue and makes a noise while looking at a boy playing in the adjoining area. While the boy's back is turned Tim hits the boy on the back and then make a scratching motion on the boy's neck and shoulder. The boy turns and yells "Stop doing that" while rubbing his neck and shoulder.

What was the communicative function of Tim's behavior?

Tim was seeking a friend's attention or trying to initiate play with a friend.

Was the behavior dangerous? Explain your answer.

Potentially. It could easily escalate but at this point the child did not react in a way to suggest he was hurt. Do you think Tim has the ability to affect harm? Watch the next video, where this judgment really seems to come into play.

Tim on playground*

http://csefel.vanderbilt.edu/modules/module3a/presenters-ppt/V3a_11.mpg

If you experience difficulty with the link above, this video clip is from CSEFEL Preschool Module 3a (Archive) found at

<http://csefel.vanderbilt.edu/resources/modules-archive.html>

Scroll down to Video Clips/Observation Vignette #2 Video

Outside, on playground Tim is beside two other children. He turns to one of the children, a girl, and begins to pull a toy out of her hands. During the struggle he pushes her in the face and jerks the toy out of her hands. He then turns and sits down on the ground to play with the toy. She sits down and grabs the toy and Tim again pushes her in the face. The teacher then steps in, holds Tim's hands a few seconds, stands him up and begins to move him from the area. Tim takes a couple of steps and drops to the ground. The teacher then picks him up and physically begins to move him.

Did Tim engage in dangerous behavior?

Possibly. He pushed the girl's face or glasses with an open hand. She did not appear to be injured nor did she try to escape, but held on to the disputed toy.

Describe any first response strategies used by the teacher:

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- Verbal -- *minimal verbal—used question rather than redirection*
- Physical -- *jumped to physical right away*
- Environmental

Did the teacher use a physical escort or physical restraint? Explain your answer.

Yes, she used physical restraint, i.e., “bodily force used to substantially limit a student’s movement”; she first held his hands and arms to his chest and then picked him up to move him away from the other child.

Do you believe less restrictive alternatives could have been used? What might the teacher have done to prevent the need for physical restraint?

Let participants brainstorm in groups and share ideas. Possibilities include:

- *Move between the children.*
- *Remove the toy.*
- *Provide a 2nd toy.*
- *Model and prompt turn-taking.*
- *Stay and play with the children to engage them in a cooperative activity.*

Duncan

http://csefel.vanderbilt.edu/modules/module3a/presenters-ppt/V3a_01.mpg

Note: This video is a composite of clips used in training. Fast forward past Tim and Brendan videos to observe Duncan with his teacher beginning at 1:21 and ending at 2:15 (minutes: seconds).

If you experience difficulty with the link above, this video clip is from CSEFEL Preschool Module 3a (Archive) found at

<http://csefel.vanderbilt.edu/resources/modules-archive.html>

Scroll down to Video Clips/#1 Video

Duncan is standing at small table watching the teacher and peers finishing snack. He leaves and walks to corner of room. Teacher follows calling his name. She appears to offer her hand and Duncan takes it, hopping and verbally protesting as they move back toward the table. At the table, Duncan stops protesting verbally, the teacher prompts, “Sit. On your bottom, on your bottom, on your bottom, on your bottom.” Duncan smiles and attempts to spin away from his teacher’s grasp. She puts one arm around his back and points to her clipboard asking, “Do you want to go to center? There’s your name”. Duncan attends, leaning against teacher. The teacher takes her arm away and points to his chair directing him to “Sit”. Duncan leans into the teacher and she encircles his waist with her arm. He extends his body against her as she picks him up and assists him to sit in the chair. As soon as he is

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seated the teacher lets go of Duncan and moves away to attend to another child. Duncan immediately hops out of his chair and heads for the corner.

Did Duncan engage in dangerous behavior? Explain your answer.

No, Duncan's behavior did not pose a reasonable expectation of immediate danger or physical harm to himself or others or violent action that is destructive of property.

Describe any first response strategies used by the teacher:

Verbal *Asked if he wanted to go to center and showed him his name, and possibly showed him his center choice. Told him to sit on his bottom.*

Physical *Held his hand as he walked/hopped to the table*

Environmental

Did the teacher use a physical escort or physical restraint? Explain your answer.

Both were used. When the teacher took the child's hand to walk him back to the table, she used physical escort: "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." When she lifted Duncan to place him in the chair she used bodily force to substantially limit his movement (i.e., escape), which would be considered physical restraint.

Do teachers need to document the use of physical escort and physical restraint? Explain your answer.

Physical restraint must be documented and reported. Physical escort is not included in the definition of physical restraint and does not need to be documented or reported.

ESIs may not be used for purposes of discipline, punishment, or for the convenience of a school employee. What might the teacher have done to prevent the need for physical escort or restraint?

Let participants brainstorm in groups and share ideas. Possibilities include:

- Use an individualized visual schedule or activity schedule (e.g.. "first-then" schedule).*
- Provide a 2-minute warning and set a timer.*
- Set up a highly reinforcing activity for Duncan to do when he returns to the table.*
- Stay with Duncan at the table until he is engaged in a meaningful activity.*
- Assign peer buddies to cooperative learning activities.*
- Teach and reinforce participation in transition routines.*
- Assign peer buddies during transitions.*

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- *Provide Duncan with positive teacher attention when he is behaving appropriately.*

Gabby

http://csefel.vanderbilt.edu/modules/module3b/presenters-ppt/V3b_10.mpg

If you experience difficulty with the link above, this video clip is from CSEFEL Preschool Module 3b (Archive) found at

<http://csefel.vanderbilt.edu/resources/modules-archive.html>

Scroll down to Video Clips/#10 Responding to a Scripted Story Video

At circle time, the teacher uses the calendar and jobs pictures to show Gabby that she already had a turn to be child of the week but there are other jobs she could do today. Gabby protests loudly as the teacher is talking. The teacher moves to the floor in front of Gabby, who is seated in a small plastic cube chair, along with other preschoolers also sitting in their chairs. The teacher hands Gabby a social story that Gabby holds as the teacher reads. Other children watch and interact with the story, along with Gabby. All remain seated in cube chairs during the story.

Did Gabby's yelling constitute a dangerous behavior? Explain your answer.

No, Gabby's yelling did not pose a reasonable expectation of immediate danger or harm to herself or others or violent action that is destructive of property.

What de-escalation strategies did the teacher use to address Gabby's yelling?

The teacher modeled a soft voice and used visual supports to show Gabby that she had already had a turn but there were other jobs available for her.

Did the teacher use mechanical restraint by placing the students in cube chairs? Explain your answer.

No. Chairs were used with all of the children during circle because the teacher believes it helps them keep their hands and feet to themselves and improves attention.

Imagine this: If one of the children attempted to get out of their chairs during circle, and a paraeducator put her hands on the child's shoulders to keep her seated in the chair, would the cube chair then be considered a mechanical restraint? Why or why not?

No. A mechanical restraint is "any device or object used to limit a student's movement." In this case, it was not the chair that limited the child's movement. There

were no devices keeping the child in the chair, such as a safety belt or weighted blanket.

Physical restraint? Why or why not?

Potentially. The use of hands in continuous contact on the shoulders to hold a child in her seat would meet the definition of physical restraint: "bodily force used to substantially limit a student's movement." However, a temporary touch or tap on the shoulders to prompt a child to sit would be consistent with the definition of physical escort.

What are some prevention strategies the teachers might employ to keep children seated at circle time?

Let participants brainstorm in groups and share ideas. Possibilities include:

- *Know your students: plan developmentally appropriate activities differentiated for individual strengths and needs.*
- *Shorten circle time (for all, some or a few).*
- *Intersperse movement activities.*
- *Increase opportunities to respond, individually and as a group (verbally or with gestures/signs).*
- *Provide individualized visual supports (for all, some or few).*
- *Assign seats (putting children who need additional supports next to a highly engaged peer).*

*Additional video clips and case study documents of functional assessment are available for Brendan and Tim

- Tim - CSEFEL: Center on the Social and Emotional Foundations for Early Learning
http://csefel.vanderbilt.edu/resources/training_preschool.html
- Brendan - TACSEI: Technical Assistance Center on Social Emotional Interventions
http://www.challengingbehavior.org/explore/pbs/case_studies.htm

Although the following materials can be downloaded or streamed from the websites below, print copies may be borrowed from the KITS Early Childhood Resource Center at www.kskits.org/ecrc

CSEFEL Center on the Social Emotional Foundations for Early Learning
<http://csefel.vanderbilt.edu/>

- *Positive Solutions for Families training modules*
- *Promoting the Social and Emotional Competence of Infants and Toddlers training modules*
- *Promoting the Social and Emotional Competence of Preschoolers training modules*
- *Promoting Social Emotional Competence Video (English/Spanish)*
- *Practical Strategies for Teaching Social Emotional Skills Video (English/Spanish)*
- *What Works Briefs*

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TACSEI Technical Assistance Center on Social Emotional Intervention for Young Children

<http://www.challengingbehavior.org/>

- *Creating Teaching Tools for Young Children with Challenging Behavior*