

From: [Huenergard, Cliff](#) on behalf of [Huenergard, Cliff <chuenergard@northmasonschoools.org>](#)
To: [Acuna, Jennifer](#); [Yellowlees John - SS](#); [Anita Baisley](#); [Julie Fischer](#); [Kandy Ritter](#); [Kathryn Coleman](#); [Lorna Nelson](#); [Kyle Weakley](#); [Shelley Langston](#); [Rachel Davenport](#); [Brienne Barrett](#); [Kerry O'Connell](#); [Katie Moravec](#); [Kimberly Shipp](#); [Shelby MacMeekin](#); [Patrick Kane](#); [Bidwell, Debra](#); [Kris Greene](#); [Megan Feeney](#); [Leslie Mraz](#); [Diane Leonetti](#); [Fabian Castilleja](#); [Wisner, Chantelle Cherie](#)
Subject: RE: ERP and parent reporting procedures.
Date: Tuesday, January 26, 2016 9:26:44 AM

Thanks for passing this on Jennifer. I've been asked a question that I'm not sure of the answer so I'm hoping the collective group can ponder it. There is a student who the high school has contacted 911 in the past. He is very violent and injures staff and destroys property. Both EMT and law enforcement respond. There is a discussion going on between parents and district and the parents are demanding that we do not contact 911. Staff have been Right Response trained (going on today for the yearly certification) and when EMT comes they end up transporting him to Harrison hospital. This last time he was transported to Seattle and spent several days in Seattle Children's. One of the reasons parents don't want 911 called is that their insurance (covered as a retired public employee from CA) is starting to deny/limit coverage.

The question is or is it appropriate to include contact with 911 in the ERP or is this a BIP only?

Thanks

Cliff

From: Acuna, Jennifer [mailto:jacuna@oesd114.org]
Sent: Wednesday, January 20, 2016 12:15 PM
To: Yellowlees John - SS; Anita Baisley; Julie Fischer; Kandy Ritter; Kathryn Coleman; Huenergard, Cliff; Lorna Nelson; Kyle Weakley; Shelley Langston; Rachel Davenport; Brienne Barrett; Kerry O'Connell; Katie Moravec; Kimberly Shipp; Shelby MacMeekin; Patrick Kane; Bidwell, Debra; Kris Greene; Megan Feeney; Leslie Mraz; Diane Leonetti; Fabian Castilleja
Subject: FW: ERP and parent reporting procedures.

FYI

From last week's meeting

Jennifer Acuna
Special Services Director
OESD 114
105 National Ave., N
Bremerton, WA 98312
(360) 478-6886 o
(360) 865-2375 c
jacuna@oesd114.org

From: John Bresko <John.Bresko@k12.wa.us>
Date: Wednesday, January 20, 2016 at 11:26 AM
To: Jennifer Acuna <jacuna@oesd114.org>
Subject: ERP and parent reporting procedures.

Jennifer, the group discussed the Emergency Response Protocol (ERP) form last Friday and there were some questions about some provisions on the form.

Here are some responses to questions about the form we discussed at our staff meeting yesterday.

The third block of the form contains this statement:

“Specify the staff or contracted positions permitted to use isolation, restraint, and/or restraint device with the student and the required training, updated annually, for the staff or contracted positions permitted to use the isolation, restraint, or restraint device:”

Be sure to indicate the staff by name. Staff involved are required to be trained. Naming staff by position does not connect the required training to a person. The district may wish to include a number of individuals in the list to insure that the appropriate staff are able to perform these specified duties. Under the ERP, staff not named should not be engaging in the designated isolation and/or restraint procedure.

This does not mean that only these staff can intervene in the instance of spontaneous behavior that poses an imminent likelihood of serious harm. HB 12 40 provides for restraint and isolation in these cases **by any school employee in accordance with district policy** and the required reporting process provided for by the bill must be followed.

And the regulation pertaining to IEPs has been modified to include the following.

WAC 392-172A-03090 Definition of individualized education program. (1) The term IEP means a written statement for each student eligible for special education that is developed, reviewed, and revised in a meeting in accordance with WAC 392-172A-03095 through 392-172A-03100, and that must include:

~~(h) ((Aversive interventions, if any, required for the student.~~

(i)) Behavioral intervention plan, if determined necessary by the IEP team for the student to receive FAPE.

(i) Emergency response protocols, if determined necessary by the IEP team for the student to receive FAPE, and the parent provides consent, as defined in WAC 392-172A-01040.

AND

(m) The school district's procedures for notifying a parent regarding the use of isolation, restraint, or a restraint device as required by RCW 28A.155.210.

This is regardless of whether a behavior intervention plan and an emergency response protocol, if determined necessary, is in place.

Pertaining to the question of attaching to the IEP the district's policy for notifying parents of isolation or restraint, [RCW 28A.155.210 Use of restraint or isolation—Requirement for procedures to notify parent or guardian](#) states: “A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of a parent or guardian regarding the use of restraint or isolation.” Note that the requirement is that *the procedures for notification* be included in the IEP. See [RCW 28A.600.485](#) for additional information regarding reporting

requirements.

Hope this helps. John

The authority for the provision of special education is contained within WAC 392-172A and Public Law 108-446 (IDEA, 2004). This guidance does not impose any requirements beyond those required to comply with applicable law and regulations and is not intended to be a substitute for legal advice.

John R Bresko

Program Supervisor
Special Education Section
Office of Superintendent of Public Instruction (OSPI)
600 Washington St. SE | Olympia, WA 98504-7200
P.O. Box 47200 | Olympia, WA 98504-7200
office: 360-725-6075 | tty: 360-586-0126 | fax: 360-586-0247

john.bresko@k12.wa.us
www.k12.wa.us

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