

Southern Plains Education Cooperative Restrictive Procedures Policy

According to Minnesota state law, the term *Restrictive Procedure* is used to define and describe physical holding or seclusion of children with disabilities in Minnesota schools. Minnesota statutes, sections 125A.0941 and 125A.0942 govern the use of restrictive procedures.

Southern Plains Education Cooperative, including all school districts partaking in the Cooperative's services, utilizes nonviolent crisis intervention training as provided by CPI in order to meet this standard.

I. Definitions

The following terms have the meanings given to them:

A. Emergency

The term ***Emergency*** has been defined according to Minnesota state statute 125A.0941 as a situation where immediate intervention is needed to protect a child or other individual from physical injury.

An emergency is ***not***:

- a. A child who refuses to respond to a task or follow a directive (unless the refusal places the child or another individual in danger of physical injury).
- b. A child who places his/her head down on a desk in response to a request.
- c. A child who hides under a desk or table and refuses to come out.
- d. An emergency has already occurred, but the threat has passed.

B. Physical Holding

The term ***Physical Holding*** has been defined according to Minnesota state statute 125A.0941 as physical intervention intended to hold a child immobile or limit a child's movement, where body contact is the only source of physical restraint, and where immobilization is used to control a child in order to protect the child or other individual from physical injury.

Physical holding is ***not*** physical contact that:

- a. Helps a child respond or complete a task.
- b. Assists a child without restricting the child's movement.
- c. Is needed to administer an authorized health-related service or procedure.
- d. Is needed to physically escort a child when the child does not resist or the resistance is minimal.

C. Positive Behavioral Intervention and Supports

The term ***Positive Behavioral Intervention and Supports*** has been defined according to Minnesota state statute 125A.0941 as interventions and

strategies put in place to improve the school environment and teach children the skills to behave appropriately.

D. Prone Restraint

The term ***Prone Restraint*** has been defined according to Minnesota state statute 125A.0941 as placing a child in a face down position.

E. Restrictive Procedures

The term ***Restrictive Procedures*** has been defined according to Minnesota state statute 125A.0941 as the use of physical holding or seclusion in an emergency.

Restrictive procedures must ***not***:

- a. Be used to punish or otherwise discipline a child.

F. Seclusion

The term ***Seclusion*** has been defined according to Minnesota state statute 125A.0941 as confining a child alone in a room from which egress is barred.

Seclusion is ***not***:

- a. Removing a child from an activity to a location where the child cannot participate in or observe the activity.
- b. Locking or closing a door in a room or preventing a child from leaving the room when an adult is present.

II. Procedures

The following procedures have been established:

A. The use of ***Physical Holding***

In the case of an emergency as defined by Minnesota state statute 125A.0941, Southern Plains Education Cooperative will follow the guidelines set forth by Crisis Prevention Intervention (CPI) guidelines. The forms of physical holding authorized for use as set forth by this policy includes:

a. The ***Children's Control Position***

The Children's Control Position is a physical hold that is designed to be used with a student that is a head size or smaller than the adult. Additional staff members need to be present to assist the adult, monitor the safety of the student, and take other safety precautions as necessary.

b. The **Team Control Position**

The Team Control Position is a physical hold used to manage a student who has become a danger to self or others. Two staff hold the student upright and additional staff members assess the student for signs of distress, taking additional safety measures as necessary.

c. **CPI Transport**

CPI Transport is a physical hold that is temporarily used when a student is calm and needs to be moved to a safer place. This is an upright position using two staff, one on either side of the child, with additional staff as needed.

d. Interim **Control Position**

The Interim Control Position is a physical hold that is a temporary, upright position that allows staff to maintain control of both the student's arms for a short period of time. One staff is required for this position, however additional staff are necessary to monitor the student and assist with other safety precautions.

The following criteria must be met in order for a physical hold to be used:

- a. A physical hold can **only** be used when it is the least intrusive intervention that effectively responds to an emergency. This means that if other means can be effectively employed, such means must be used.
- b. A physical hold may never be used to discipline a noncompliant child.
- c. A physical hold **must** end when the threat of harm has passed.
- d. When a physical hold is being used, staff must observe the student for signs of distress and to provide other safety measures.
- e. In the even a physical hold is used, staff employing the hold in addition to those observing the hold must document the incident as soon as is reasonably possible including the following information:
 1. A description of the incident leading to the use of a physical hold.
 2. An explanation as to why a less restrictive intervention failed or was not attempted. For example, was the intervention inappropriate or impractical?
 3. The time the physical hold started and the time the child was released from the hold.

4. A description of the child's behavioral and physical status. If a description of the emotional status is appropriate, include that as well.

B. The use of ***Prone Restraint***

Southern Plains Education Cooperative does **not** utilize Prone Restraint.

C. The use of ***Seclusion***

Southern Plains Education Cooperative does **not** utilize Seclusion.

III. Qualified Personnel

Restrictive procedures may only be used by the following personnel who have completed the requisite training:

- A. Licensed special education teacher
- B. School social worker
- C. School psychologist
- D. A behavior analyst as certified by the National Behavioral Analyst Certification Board
- E. A person with a master's degree in behavior analysis
- F. Other licensed education professional
- G. Paraprofessional as defined by Minnesota statute 120B.363
- H. Mental health professional as defined by Minnesota statute 245.4871

IV. Training Requirements

According to Minnesota state statute section 125A.0942, school staff who have routine contact with students and who may use restrictive procedures, must have training in the following areas:

- A. Positive behavioral interventions
- B. Communicative intent of behaviors
- C. Relationship building
- D. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior
- E. De-escalation methods
- F. Standards for using restrictive procedures
- G. Obtaining emergency medical assistance
- H. Physiological and psychological impact of physical holding
- I. Monitoring and responding to a child's physical signs of distress when physical holding is being used
- J. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used

School staff who have routine contact with students and who may use restrictive procedures will be trained using CPI nonviolent crisis intervention training. In addition, staff will be provided with updates annually on legal changes and how such changes impact current school practices. Training records will identify the content of training, attendees, and training dates.

V. Prohibited Procedures

The following actions or procedures are prohibited:

- A. Engaging in conduct prohibited under section 121A.58.
- B. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain.
- C. Totally or partially restricting a child's senses as punishment.
- D. Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment.
- E. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible.
- F. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556.
- G. Withholding regularly scheduled meals or water.
- H. Denying access to bathroom facilities.
- I. Physical holding that restricts or impairs a child's ability to breathe, restricts or impairs a child's ability to communicate distress, places pressure or weight on a child's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso.

VI. Documentation

The use of restrictive procedures in emergency situations will be documented as follows:

- A. Staff members involved in the use of physical holding will complete the required documentation. The form is attached for review.
- B. All documentation will be forwarded to the designated individual in each building. The purpose of this is to ensure that building administration is aware of any use of physical holding.
- C. Final documentation will be forwarded to the Restrictive Procedures Coordinator for compilation of data. The purpose of this is to ensure that necessary data is brought forth to the oversight committee. In addition, the Restrictive Procedures Coordinator is responsible for reporting the use of restrictive procedures to the Minnesota State Department of Education at the culmination of each school year.
- D. The use of physical holding will be documented in behavior intervention plans for all students for which physical holding will be used. Reviews of these plans will be conducted at a minimum of annually. A student's IEP team will conduct a meeting within ten (10) calendar days under the following circumstances:
 - a. Physical holding is used more than two (2) times in a consecutive thirty (30) day period.
 - b. In the event that a student's behavior intervention plan does not include the use of physical holding, the IEP team will hold a meeting to

determine whether such holding continues to be necessary and identify positive behavior interventions to be used prior to physical holding.

c. In the event that a parent or district representative requests a meeting after physical holding is used.

E. In the event that the IEP team determines that existing interventions and supports are not effective in reducing the number of times physical holding is employed, the school district will do any or all of the following:

a. Consult with all professionals working with the child.

b. Consult with experts in behavior analysis, mental health, or autism.

c. Consult with culturally competent professionals.

d. Review existing data including evaluations, resources, and successful strategies.

e. Consider re-evaluating the child.

F. After each incident of physical holding, the individuals involved will de-brief the situation leading to the physical hold. The de-briefing will include what went well, what did not go well, and ways in which the situation could be improved in the future. Staff will utilize a structured guide for de-briefing purposes. The structured guide will be kept with the documentation of physical holding for review by the oversight committee.

VII. Oversight Committee

Pursuant with Minnesota state statute 125A.0942, Southern Plains Education Cooperative will convene an oversight committee on a quarterly basis. This committee will be comprised of at least one representative from each of the cooperative school districts. Specifically, this committee will be comprised of at least one (1) professional from the mental health field (school psychologist, school social worker, or other trained mental health professional), one (1) expert trained in positive behavior intervention strategies, one (1) special education administrator, and one (1) general education administrator. The purpose of this committee is to promote district level review and monitoring of district practices regarding the use of restrictive procedures. The committee will specifically review the training needs of staff and review the aggregate data regarding the use of restrictive procedures. The committee will submit an annual report to the Minnesota Department of Education to be included in the Department's annual report. The report will also be submitted to the advisory committee annually.

VIII. Positive Behavior Intervention Supports and Resources

Southern Plains Education Cooperative promotes the use of positive approaches for behavioral interventions for all students. In an attempt to assist in this endeavor, the following resources have been compiled. By no means should this list be considered exhaustive. Rather, it is a starting point for those looking for further resources.

A. www.pbis.org

B. www.pbismn.org

C. www.top20training.com

D. www.apbs.org

- E. www.challengingbehavior.org
- F. www.nami.org
- G. www.apa.org
- H. www.kidsmentalhealth.org

IX. Behavioral Intervention & Mental Health Resources

Southern Plains Education Cooperative recognizes that IEP Teams may need to look outside the IEP Team for resources to support a child with a disability. In accordance with Minnesota State Statute 125A.0924, a list of local Behavioral Specialists and Mental Health Resources has been compiled to assist IEP Teams. By no means should this list be considered exhaustive.

- A. Dr. Joseph Switras
Psychologist
208 West Second Street
Fairmont, MN 56031
(507) 235-5651

- B. Eunoia Family Resource Center
1307 Albion Avenue
Fairmont, MN 56031
(507) 235-6070
www.wellminded.org

- C. Souix Trails Mental Health
303 Downtown Plaza
Fairmont, MN 56031
(507) 235-8112
www.souixtrails.org

- D. Mayo Clinic Health System
800 Medical Center Drive
Fairmont, MN 56031
(507) 238-8500
www.mayoclinichealthsystem.org

- E. KRISMA Counseling
117 Downtown Plaza
Fairmont, MN 56031
(507) 399-2149
Krismacounseling.net

- F. Human Services of Faribault & Martin Counties
115 West First Street
Fairmont, MN 56031 AND
412 North Nicollet
Blue Earth, MN 56013
(507) 238-4757
www.fmchs.com

- G. Blue Earth County Human Services
410 South 5th Street
Mankato, MN 56001
(507) 304-4319
[www. co.blueearth.mn.us](http://www.co.blueearth.mn.us)

- H. Practical Behavior Solutions
Paul Dietzman
Independent Behavior Consultant
448 210th Street
Trimont, MN 56176
(507) 380-2720
pjdietzman@yahoo.com

- I. Brih Design
6066 Shingle Creek Parkway
PMB 172
Brooklyn Center, MN 55430
(763) 560-1614
info@brihdesign.com
www.brihdesign.com