



**WASECA  
BLUEJAYS**

# **Restrictive Procedures Plan**

**Waseca Public School District #0829**

**2019-2020**

Waseca Public Schools promotes the use of positive approaches for behavioral interventions for all students. When restrictive procedures are employed in an emergency situation with any student, the School District will adhere to the standards and requirements of Minnesota Statute § 125A.094: Restrictive Procedures for Children with Disabilities. This plan specifically outlines the list of restrictive procedures the school intends to use in the case of an emergency, how the school will monitor and review the use of restrictive procedures, documentation requirements; the convening of a District Oversight Committee; and staff training requirements.

Waseca Public Schools uses restrictive procedures only in response to behavior that constitutes an emergency, even if written into a child's Individualized Education Plan (IEP) or Behavior Intervention Plan (BIP). Emergency means a situation where immediate intervention is needed to protect a child or other individual from physical injury.

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## *MINNESOTA STATUTES*

*In accordance with Minn. Stat. §§ 125A.094 and 125A.0942 as amended effective July 1, 2013, every school district is required to develop and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request a plan that discloses its use of restrictive procedures with special education students. The plan must list the restrictive procedures that the school district intends to use; describe how the school district will implement a range of positive behavior strategies and provide links to mental health services, describe how the school district will monitor and review the use of restrictive procedures, including post-use debriefings and convening an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures, the number of times a restrictive procedure is used schoolwide and for individual children the number and types of injuries, if any, resulting from the use of restrictive procedures, whether restrictive procedures are used in non emergency situations, the need for additional staff training, and proposed actions to minimize the use of restrictive procedures; and includes a written description and documentation of the training any staff members who will be using restrictive procedures have completed to show they have the skills set out in Minn. Stat. § 125A.0942, subd. 5.*

## **Minnesota Statutes**

### **Definition of Restrictive Procedures:**

*Restrictive Procedures* means the use of physical holding in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child. Minnesota Statute § 125A.0941(f).

### **Minnesota Statute § 125A.094, Subd 1a:**

Schools that intend to use restrictive procedures shall maintain and make publicly accessible a restrictive procedures plan for students that includes at least the following: the list of restrictive procedures the school intends to use; how the school will monitor and review the use of restrictive procedures, including conducting post-use debriefings and convening an oversight committee; and a written description and documentation of the training staff completed under subdivision 5.

Waseca Public Schools promotes the use of positive approaches for behavioral interventions for all students. When restrictive procedures are employed in an emergency situation with any student, the School District will adhere to the standards and requirements of Minnesota Statute § 125A.094: Restrictive Procedures for Children with Disabilities.

### **Minnesota Statute § 125A.094, Subd. 2:**

Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, behavior analyst certified by the National Behavior Analyst Certification Board, a person with a master's degree in behavior analysis, other licensed education professional, paraprofessional under section § 120B.363, or mental health professional under section § 245.4871, subd. 27, who has completed the training program under subd. 5.

### **Minnesota Statute § 125A.0941 (c):**

*Physical holding* means physical intervention intended to hold a child immobile or limit a child's movement and where body contact is the only source of physical restraint. The term physical holding does not mean physical contact that: 1) helps a child respond or complete a task; 2) assists a child without restricting the child's movement; 3) is needed to administer an authorized health-related service or procedure; or 4) is needed to physically escort a child when the child does not resist or the child's resistance is minimal.

**Minnesota Statute § 125A.0941 (g):**

*Seclusion* means confining a child alone in a room from which egress is barred. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.

**Minnesota Statute § 125A.0942, Subd. 3:**

Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements: (1) the physical holding or seclusion must be the least intrusive intervention that effectively responds to the emergency; (2) physical holding or seclusion must end when the threat of harm ends and the staff determines that the child can safely return to the classroom or activity; (3) staff must directly observe the child while physical holding or seclusion is being used; (4) each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion shall document, as soon as possible after the incident concludes, the following information: (i) a description of the incident that led to the physical holding or seclusion; (ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical; (iii) the time the physical holding or seclusion began and the time the child was released; and (iv) a brief record of the child’s behavioral and physical status.

**Minnesota Statute § 121A.67, Subd. 2:**

If a pupil who has an individual education plan is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or a school staff person during the school day twice in a 30-day period, the pupil’s individual program team must meet to determine if the pupil’s individual education plan is adequate or if additional evaluation is needed.

Waseca Public Schools uses restrictive procedures only in response to behavior that constitutes an emergency, even if written into a child’s IEP or BIP. “**Emergency**” means a situation where immediate intervention is needed to protect a child or other individual from physical injury. The intervention will be used as a last resort and will be considered the safest option for all.

Waseca Public Schools Special Education Licensed Staff, Special Education Paraprofessionals, School Social Workers, School Psychologists, and Behavior Interventionists who are in more structured settings, or members of the crisis team receive an initial 8 hour course in Nonviolent Crisis Intervention (NVCi) and refresher course training annually, which is considered an evidence-based program, to help de-escalate a situation before it becomes a crisis and to respond appropriately and safely when there is a crisis. The philosophy of NVCi is to ensure the Care, Welfare, Safety, and Security of all.

## **Waseca Public Schools Restrictive Procedures**

Waseca Public Schools are committed to using positive behavioral intervention and supports as defined in Minnesota Statute § 125A.0941 (d). This involves incorporating environmental changes and skill-building strategies proactively in order to maintain a supportive and safe learning environment. In the event that a student's challenging behavior should escalate to an emergency situation, Waseca Public School staff may use procedures that are considered restrictive under Minnesota Statute § 125A.0942 in order to maintain a safe environment when lesser restrictive procedures are ineffective. In accordance with Minnesota Statute § 125A.0942, Subd. 1, Waseca Public School discloses the following on the use of restrictive procedures:

### **Minnesota Statutes on Restrictive Procedures**

1. Restrictive Procedures: Minnesota Statute § 125A.0941 (e) includes physical holding and seclusion as restrictive procedures.
2. Prohibited Procedures: Waseca Public Schools will never use any of the procedures designated as prohibited under Minnesota Statute § 125A.0942, Subd. 4(1-9).
3. Emergency: Minnesota Statute § 125A.0941 (b) states that a restrictive procedure may only be utilized in an emergency situation. An emergency is defined as a situation where immediate intervention is needed to protect a student or others from physical injury.

### **Restrictive Procedures Not Used in Waseca Public Schools**

Seclusion: Seclusion means confining a student alone in a room from which egress is barred. This does not include removing a child from an activity to a location where the child cannot participate or observe the activity. In the event that an emergency situation should unexpectedly occur and use of physical holding is deemed unsafe, staff may remove others and themselves from the current room while barring egress in order to prevent injury as use of reasonable force under Minnesota Statutes § 125A.582; 609.06, Subd.1; and § 609.379.

### **Restrictive Procedures Used in Waseca Public Schools**

Physical Holding: Physical holding means physical intervention intended to hold a child immobile or limit a child's movement and where body contact is the only source of physical restraint. Waseca Public Schools Licensed Staff, Special Education paraprofessionals, School Social Workers, School Psychologists, and Behavior Analysts participate in Nonviolent Crisis Intervention (NVC) training annually. This mandatory training covers the appropriate use of physical restraints. The term physical holding does not mean physical contact that:

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

**Prohibited Procedures include the following:**

1. Corporal Punishment which includes conduct involving: 1) hitting or spanking a person with or without an object; or 2) unreasonable physical force that causes bodily harm or substantial emotional harm;
2. Requiring the student to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Presenting an intense sound, light, or other sensory stimuli using taste, smell, substance, or spray as punishment;
4. Denying or restricting the student's access to equipment and devices such as wheelchairs, hearing aids, or communication boards that facilitate the student's functioning except when temporarily removing the equipment or device is needed to prevent injury to the student or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the student as soon as possible;
5. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse under section § 626.556;
6. Totally or partially restricting a student's senses as punishment;
7. Withholding regularly scheduled meals or water;
8. Denying the student access to bathroom facilities, and/ or;
9. Physically holding that restricts or impairs a student's ability to breathe;
10. Use of tasers or threatened use of tasers.
11. Prone Restraint

# General Information Regarding Restrictive Procedures

## What is considered an “Emergency”?

An emergency is a situation where immediate intervention is needed to protect a child or other individual from physical injury.

- Jumping in front of a bus IS an emergency.
- A student not responding to verbal intervention during a fight MAY BE an emergency.
- Screaming obscenities in the hallway is NOT an emergency.
- Property destruction may NOT be an emergency.

## Restrictive Procedures - Basic Procedures:

- Can be used ONLY in an emergency. It must be the safest option and the last resort.
- Must be the least intrusive effective intervention.
- Must end when the threat of harm ends.
- Must be documented EVERY time.
- Parent notification is required the same day a restrictive procedure is used on a child.
- A staff debriefing must occur within 24 hours of the procedure.
- An email must be sent to the building principal and the Director of Special Education within two days of a Restrictive Procedure (RP) being done. The email must identify the name of the student. The Director will review the staff debrief meeting and use of Restrictive Procedure Form. Copies of forms must be placed in the student's file and finalized.

## Staff Training Requirements

All Waseca Public School special education staff receive training on the skills and knowledge content areas in accordance with Minnesota Statute § 125A.0942, Subd. 1(3) and Subd. 5.

### Non-Violent Crisis Prevention Interventions (NVCi)

All Special Education staff continue to participate in refresher NVCi training annually. Newly hired special education staff are required to attend NVCi training prior to the start of the school year. Staff who design and use behavioral interventions will complete training in the use of positive approaches as well as restrictive procedures. Training records will identify the content of training, attendees, and training dates.

### ***Authorized Staff***

Staff who are trained and current with their CPI training and who are authorized to use restrictive procedures include:

- Licensed special education teachers
- Other certified/ registered educational professionals
- Special education paraprofessionals
- Building administration
- Licensed school social workers

Additionally, Waseca Public Schools implements a wide range of positive behavior strategies for staff. These strategies vary by building. Some strategies include: Boys Town Model , Yoga Calm, and Positive Behavior Intervention and Supports (PBIS), various programs focusing on children and adolescent mental health, character education, and trauma-informed care.

Training records are maintained by the Special Education Office.

A list of mental health resources is available on the Special Education page on the Waseca Public Schools website at [www.waseca.k12.mn.us](http://www.waseca.k12.mn.us)

## **Mental Health Resources:**

Anicca Day Treatment (Carver County)

[www.district112.org/wp-content/uploads/2016/10/Anicca-Brochure-Revised-10.2016.pdf](http://www.district112.org/wp-content/uploads/2016/10/Anicca-Brochure-Revised-10.2016.pdf)

Human Resource Center <https://schrc.com/>

National Alliance on Mental Illness: NAMI - Minnesota

[www.namihelps.org](http://www.namihelps.org)

National Institute on Mental Health: [www.nimh.nih.gov/index.shtml](http://www.nimh.nih.gov/index.shtml)

Reflections Day Treatment Program

[http://www.swmetro.k12.mn.us/programs\\_and\\_services/chemical\\_and\\_mental\\_health/reflections\\_day\\_treatment](http://www.swmetro.k12.mn.us/programs_and_services/chemical_and_mental_health/reflections_day_treatment)

MN Prairie (Waseca County): <http://www.mnprairie.org/>

## **Documentation Procedures**

### **Restrictive Procedures Reporting Form**

Following each use of restrictive procedures, staff members involved will complete the Restrictive Procedures Reporting Form which meets the documentation requirements under Minnesota Statute § 125A.0942, subd. 3(4) (see Appendix C).

Waseca Public Schools shall make reasonable efforts to notify the parent on the same day by the parent's preferred method when a restrictive procedure is used in an emergency. Parent preferred method of communication in the event of the use of a restrictive procedure will be discussed and noted in the IEP/BIP at least annually at the IEP meeting if the possibility of restrictive procedures in the case of an emergency are written into a student's IEP/BIP (consistent with statute § 125A.0942, Subd. 2 (f)). If the school is unable to provide same-day notice, notice will be sent by written or electronic means or as otherwise indicated by the parent. If used twice within 30 days or when a pattern emerges, and it's NOT already included in the student's IEP or BIP, the district must hold a meeting of the team to conduct a review of the Functional Behavior Assessment data and consider developing or revising behavioral interventions and supports.

The use of restrictive procedures in emergency situations will be documented on the Restrictive Procedure Reporting Form. This form should be completed as soon as possible after an incident has occurred, no later than 24 hours after the incident has occurred. Once completed, the form will be sent to the Director/Supervisor of Special Education and a copy of the form should be placed in the student's special education file as well as a copy given to the building principal. A Restrictive Procedure Reporting Form must be completed every time a restrictive procedure is used.

### **Restrictive Procedure Staff Debriefing Form**

Each time a restrictive procedure is used, the staff person will conduct a post-use debriefing with the staff members involved in the use of such procedures within 24 hours (See Appendix C). The post-use debriefing will review the requirements for use of restrictive procedures to ensure that staff has implemented them according to the standards in Minnesota Statute § 125A.0942: the form was completed correctly, staff is able to talk through their feelings surrounding the incident, and action-plans are generated. Should the post-use debriefing indicate that uses of restrictive procedures were not used appropriately, Waseca Public Schools will contact the Building Administrator and Supervisor immediately.

Within 24 hours of any restrictive procedure, all staff members involved in the restrictive procedure will debrief and complete the Restrictive Procedure Staff Debriefing Form. The Case Manager will lead the team involved through the debriefing meeting (If the Case Manager is not available, staff should contact their building Supervisor/Case Facilitator. A building administrator should be invited to the meeting and will attend whenever possible.

## **Including Restrictive Procedures in IEPs or BIPs**

The requirement that physical holding only be used in an emergency situation continues to apply even when restrictive procedures are included in the IEP and BIP. When physical holding is included in the IEP or BIP, the IEP team must:

1. Ensure that an FBA has been completed. Use the FBA information along with the present level of performance, needs, goals, and objectives to develop a BIP.
2. Include positive behavior supports, de-escalation procedures, instruction in appropriate behavior, and other preventative measures in the BIP.
3. Document which restrictive procedure is being included and why it is the least restrictive effective intervention. The BIP must identify the frequency and severity of target behaviors for which the restrictive procedure is being considered; and anticipated criteria for returning the student to the routine activities and regular education environment if the intervention is used.
4. Indicate how the parent wants to be notified when a restrictive procedure is used.
5. The team is expected to debrief after every restrictive procedure within 24 hours and complete the Restrictive Procedure Reporting Form and the Restrictive Procedure Staff Debrief Form.
6. The IEP team can include restrictive procedures in the IEP or BIP
  - BUT they can only be used in response to an emergency
  - AND an IEP meeting must be held if they are used twice in 30 days

## **Review Procedures**

The District will monitor and review the use of restrictive procedures.

This includes post-use debriefings with those involved, during monthly special education department meetings with the Director/Supervisor of Special Education to discuss restrictive procedures used district-wide, in addition to the District Oversight Committee that meets twice annually to review completed forms and data.

In the case of a student with a disability, due process and documentation requirements will be followed a minimum of one time per year during annual IEP meetings.

***Oversight Committee:*** Twice a year, the District Oversight Committee convenes and reviews reported uses of restrictive procedures. This team reviews aggregate data, monitors implementation of restrictive and proactive interventions, and provides additional resources when necessary (i.e. training, staff support, materials).

## **District Oversight Committee**

### **District-Wide Restrictive Procedures & Oversight Committee:**

The District-Wide team will meet twice every year to evaluate and review the “Restrictive Procedures District-Wide Plan” and review reported uses of restrictive procedures. The team consists of the following members:

#### Administration:

Heather Harms, Special Education Director

Deanna Gronseth, Assistant Special Education Director

Jason Miller, JHSH Assistant Principal

School Psychologist: Kristina Yarkpa and Kristi Hutlemier

Social Worker: Natalie Septer

Special Education Teachers: Anastasia Garza, Kabree Krier, Keshia Reuvers, LuAnn Ross, Carol Schaper, Megan Selvick, Jennifer Jenó, Hannah Sheeny, Alyssa Weller, Lyndee Nohner, and Megan Johnson

This team reviews the restrictive procedures data and helps to address all training and concerns noted by the team. Trainings are specific to meet program needs.

## **Appendices**

## **Appendix A: Use of Restrictive Procedures Summary Sheet**

**If it becomes necessary to use physical holding to protect a student or other individual from physical injury or to prevent severe property damage (last resort and safest option for all):**

1. Select the least intrusive intervention possible to reasonably react to the emergency situation.
2. Ensure that a staff member directly monitors the student to ensure that the student is safe.
3. End the intervention when the threat of harm ends and staff determine that the student can safely return to the classroom, activity, intervention and/or site determined by the team, BIP, and/ or an administrator.
4. Seclusion should not be used.
5. Complete the Use of Restrictive Procedures: Physical Hold every time a restrictive procedure is conducted.
  - a. A copy of the Use of Restrictive Procedures: Physical Hold form is available on Sped Forms in the child's file.
6. Conduct a debriefing within 24 hours of the incident
  - a. A copy of the Staff Debriefing is available on SPED Forms in the child's file.
  - b. The debriefing process should involve all members of the team that were involved in the restrictive procedure.
7. Email the Director of Special Education within 24 hours with the child's name and put a copy in the student's special education file.
8. Notify the parents the same day a restrictive intervention is used via phone, or their preferred method of communication.
  - a. Provide written or electronic notice within two days if unable to notify parents the same day.
9. Hold a team meeting when a restrictive intervention is used twice in 30 days or when a pattern of behavior emerges.
  - a. In the case of a nondisabled student, the team should develop an intervention plan.
  - b. In the case of a student with an IEP, conduct or review a functional behavioral analysis, review data, consider developing additional or revised behavior interventions and supports, consider actions to reduce the use of restrictive procedures, and consider modifying the IEP or BIP.

## **Appendix B: Definitions**

**Emergency** – A situation where immediate intervention is needed to protect a child or other individual from physical injury.

**Physical Holding** – Physical intervention intended to hold a child immobile or limit a child’s movement and where body contact is the only source of physical restraint. The term physical holding does not mean physical contact that:

- Helps a child respond or complete a task;
- Assist a child without restricting the child’s movement
- Is needed to administer an authorized health-related service or procedure; or
- Is needed to physically escort a child when the child does not resist or the child’s resistance is minimal

**Positive Behavioral Interventions and Supports** – Interventions and strategies to improve the school environment and teach children the skills to behave appropriately.

**Restrictive Procedures** – The use of physical holding or seclusion in an emergency.