

Hennepin Schools
RESTRICTIVE PROCEDURES PLAN

This *Restrictive Procedures Plan* is developed in compliance with Minnesota Statute 125A.0942 which states that “schools that intend to use restrictive procedures shall maintain and make publicly accessible in an electronic format on a school or district web site or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities that at least 1) lists the restrictive procedures the school intends to use; 2) describes how the school will implement a range of positive behavior strategies and provide links to mental health services; 3) describes how the school will monitor and review the use of restrictive procedures, including conducting post-use debriefings and convening an oversight committee to undertake a quarterly review; and 4) includes a written description and documentation of the training staff completed. Finally, schools annually must publicly identify oversight committee members who must at least include a mental health professional, school psychologist or school social worker; an expert in positive behavior strategies; a special education administrator and a general education administrator.”

Restrictive Procedures Definitions:

"Restrictive procedures" means the use of physical holding or seclusion in an emergency.

"Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury. Emergency does not mean circumstances such as: a child who does not respond to a task or request and instead places his or her head on a desk or hides under a desk or table; a child who does not respond to a staff person's request unless failing to respond would result in physical injury to the child or other individual; or an emergency incident has already occurred and no threat of physical injury currently exists. Emergency is never used for punishment.

"Physical holding" means 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 effectively gain control of a child in order to protect a child or other individual from physical injury. 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.

“Seclusion” means confining a child alone in a room from which egress is barred. Egress is barred when an adult locks or closes a door, leaving a child in the room alone and 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.

District Restrictive Procedures Intent

Hennepin Schools uses physical holding in emergency situations with students whose Individualized Education Program (IEP) includes provisions for the use of such procedures in an emergency or in

emergency situations for students whose IEPs do not include the use of this procedure. Restrictive procedures are not used to punish or otherwise discipline a child.

Reasonable Force

According to Minn. Stat. §121A.582 (Attachment A), a teacher or school principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. A school employee, school bus driver, or other agent of a district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

Hennepin Schools does not use seclusion in emergency situations. Hennepin Schools does not have any locked time out/seclusion rooms. Hennepin Schools does not use seclusion with any student at any time.

Hennepin Schools *prohibits* the following actions or procedures from being used on a child:

1. Corporal Punishment which includes conduct involving: (a) 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 specified physical position, activity, or posture that induces physical pain.
3. Totally or partially restricting a child's senses as punishment.
4. Presenting an intense sound, light or other sensory stimuli using smell, taste, substance, or spray as punishment.
5. Denying or restricting the student access to equipment and devices such as walkers, 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, 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.
6. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse.
7. Withholding regularly scheduled meals or water.
8. Denying the student access to bathroom facilities.
9. Physical holding that restricts or impairs a student'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.

Mental Health Resources

To obtain mental health services or a referral to a mental health service provider, families should contact their primary care clinic, physician, or insurance provider. Below is a list of additional mental health resources.

- [Children's Mental Health Division of the Minnesota Department of Human Services \(DHS\)](#): administers policy and practice to ensure effective and accessible mental health services and supports for children and families in Minnesota. The division works together with many public and private partners across the state so that children and youth with mental health needs can develop and function as fully as possible in all areas of their lives. DHS is committed to making sure the right services are available at the right time for children with mental health needs and their families.
- Children's Mental Health Crisis Response Services (CRS)
 - Crisis Text Line offers free help for those who are having a mental health crisis or are contemplating suicide. Services are available 24/7 across Minnesota. Text "MN" to 741741.
 - Call ****CRISIS (**274747)** from a cell phone to talk to a team of professionals who can help you.

NAMI Minnesota provides support by helping people connect with needed resources and information. An extensive list of resources was gathered to make it easier for people to locate possible sources of help as they navigate through various systems that interface with mental health. You can find that list on the [NAMI Information and Resources web](#)

[page.](#)

Children's Mental Health Resources – Hennepin County

<http://www.hennepin.us/residents/health-medical/childrens-mental-health-services>

Washburn Center for Children

<https://washburn.org>

Minnesota Association for Children's Mental Health

<http://www.macmh.org>

Fraser

<http://www.fraser.org>

District Restrictive Procedure Plan

Whenever a restrictive procedure is used on a student, staff will report the use of that procedure in written form to the Executive Director and the Director of Special Education within 24 hours of its use. The form is attached to this plan and includes evidence that:

1. The physical holding was the least intrusive intervention that effectively responded to the emergency.
2. The physical holding ended when the threat of harm ended and the staff determined that the child could safely return to the classroom or activity.
3. The staff directly observed the child while physical holding was being used.
4. Parents and the building principal were notified in a reasonable amount of time not to exceed 24 hours.

In addition, each time physical holding is used; the staff person who implements or oversees the physical holding will document the following information:

1. A description of the incident that led to the physical holding.
2. Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical
3. The time the physical holding began and the time the child was released
4. A brief record of the child's behavioral and physical status.

The form is attached to this plan.

After each use of a restrictive procedure, the Special Education Coordinator or Special Education Director will hold a post-debriefing meeting with the team, preferably within 1-2 days, to review the conditions under which the restrictive procedure was used and consider alternatives to future.

When restrictive procedures are used on two separate school days within 30 days or when a pattern of use emerges and restrictive procedures are not included in a child's individualized education program or behavior intervention plan, the district will hold a meeting of the individualized education program team within 10 calendar days. The district must hold the IEP meeting to conduct or review a functional behavior assessment, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education program or behavior intervention plan as appropriate. At the IEP meeting, the team must review any known medical or psychological limitations that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program or behavior intervention plan.

An individualized education program team may plan for using restrictive procedures and may include these procedures in a child's individualized education program or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency. Physical holding or seclusion is never used to discipline a noncompliant child. The individualized education program or behavior intervention plan will indicate the parents' preference for notification when a restrictive procedure is used.

The District Restrictive Procedures Oversight Committee will *meet quarterly* to review the data related to the use of restrictive procedures and consider training needs. The committee consists of a District Administrator, the Director of Special Education, and the School Psychologist.

Description and Documentation of Staff Training

Restrictive procedures will be implemented 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 or mental health professional who have completed the appropriate training program.

All Hennepin Schools staff that directly work with special education students will be initially certified through the Crisis Prevention Intervention (CPI) program and receive annual refreshers through the same program. CPI addresses the state requirements for a restrictive procedure training program which includes training on:

- ❖ Positive behavioral interventions
- ❖ Communicative intent of behaviors
- ❖ Relationship building
- ❖ Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior
- ❖ De-escalation methods
- ❖ Standards for using restrictive procedures only in an emergency
- ❖ Obtaining emergency medical assistance
- ❖ The physiological and psychological impact of physical holding and seclusion
- ❖ Monitoring and responding to a child's physical signs of distress when physical holding is being used and
- ❖ Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used.

The District will keep a list of the trainings offered in the District each year to staff to meet the twelve skill and knowledge areas described above. The District will also keep documentation of the staff members who attend those trainings.

Positive Behavior Strategies

All Hennepin Schools licensed special education staff and special education paraprofessionals are trained on de-escalation strategies. New special education staff complete a 2-day Crisis Prevention Intervention course and teachers and paraprofessionals are provided a 3-hour refresher training on a yearly basis. Specific Positive Behavior Support strategies are discussed and agreed upon at individual IEP meetings. Hennepin Schools has school wide efforts to create a positive and supportive culture.

Restrictive Procedure – Step by Step

1. Student is physically held due to an emergency situation.
2. Adult staff member directly observes the student while he/she is physically held.
3. Student is released from hold as soon as the threat of harm has ended.
4. Student returns to activity or classroom.
5. Executive Director is notified that a physical hold was used with a student.
6. Parents of student are notified that a physical hold was used with their child and the event(s) precipitating the hold.
7. Staff will complete the “Restrictive Procedures Physical Holding Form”
8. The Executive Director, Special Education Director or School Psychologist will schedule and hold a de-briefing meeting within 1-2 days.
9. If a student is held on two separate school days in 30 days, the IEP manager will convene an IEP meeting within 10 calendar days of the 2nd physical hold.
 - a. The student’s functional behavior assessment (FBA), IEP and positive behavior intervention plan (PBIP) will be reviewed and revised if necessary.
 - b. If the student does not have a functional behavior assessment, one will be completed.
 - c. The IEP team will review any known medical or psychological limitations that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the individualized education program or behavior intervention plan.
 - d. The IEP will be revised, and a positive behavior intervention plan will be developed if appropriate.
10. If the IEP is revised, parents will be sent a Prior Written Notice and revised IEP no later than 14 days after the IEP meeting.
11. If the IEP is not revised, parents will be sent a Prior Written Notice no later than 14 days after the IEP meeting.

Any questions regarding this Restrictive Procedures plan should be directed to the district’s Special Education Director.

Attachment A

121A.582 STUDENT DISCIPLINE; REASONABLE FORCE.

Subdivision 1. Reasonable force standard.

(a) A teacher or school principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

(b) A school employee, school bus driver, or other agent of a district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

(c) Paragraphs (a) and (b) do not authorize conduct prohibited under section 125A.0942.

Subd. 2. Civil liability.

(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a civil action for damages under section 123B.25.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a civil action for damages under section 123B.25.

Subd. 3. Criminal prosecution.

(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a criminal prosecution under section 609.06, subdivision 1.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a criminal prosecution under section 609.06, subdivision 1.

609.06 AUTHORIZED USE OF FORCE.

Subdivision 1. When authorized.

Except as otherwise provided in subdivision 2, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

(1) when used by a public officer or one assisting a public officer under the public officer's direction:

(a) in effecting a lawful arrest; or

(b) in the execution of legal process; or

(c) in enforcing an order of the court; or

(d) in executing any other duty imposed upon the public officer by law; or

(2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or

(3) when used by any person in resisting or aiding another to resist an offense against the person; or

(4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or

(5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or

(6) when used by a parent, guardian, teacher, or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or

(7) when used by a school employee or school bus driver, in the exercise of lawful authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or

(8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable

care is exercised with regard to the passenger's personal safety; or (9) when used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or (10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person.

Subd. 2. Deadly force used against peace officers.

Deadly force may not be used against peace officers who have announced their presence and are performing official duties at a location where a person is committing a crime or an act that would be a crime if committed by an adult.

609.379 PERMITTED ACTIONS.

Subdivision 1. Reasonable force.

Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:

- (a) when used by a parent, legal guardian, teacher, or other caretaker of a child or pupil, in the exercise of lawful authority, to restrain or correct the child or pupil; or
- (b) when used by a teacher or other member of the instructional, support, or supervisory staff of a public or nonpublic school upon or toward a child when necessary to restrain the child from self-injury or injury to any other person or property.

Subd. 2. Applicability.

This section applies to sections 260B.425, 260C.425, 609.255, 609.376, 609.378, and 626.556