

## 5093 – Duluth Public Schools ISD 709 Restrictive Procedures Plan

### **532R - Regulations and Restrictive Procedures Plan**

In accordance with Minnesota Statute 125A.0942, Subd. 1, every school district is required to develop and make public a plan that discloses its use of restrictive procedures. The plan specifically outlines the list of restrictive procedures the school intends to use; how the school will monitor and review the use of restrictive procedures, including post use debriefings and convening an oversight committee; and a written description and documentation of the training and staff that have completed the training.

Duluth Public Schools ISD709 promotes the use of positive behavioral approaches **as** an intervention for all students. Duluth Public Schools ISD 709 uses restrictive procedures only in response to behavior(s) that constitutes an emergency, even if written into a child's Individual Education Plan (IEP) or Positive Behavior Intervention Plan (BIP).

#### **A. Definitions**

The following terms are defined as:

1. "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. Minn. Stat. § 125A.094(b).
2. "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. Minn. Stat. § 125A.0941(c).  
The term physical holding does not mean 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; or
  - d. is needed to physically escort a child when the child does not resist or the child's resistance is minimal.
3. "Positive behavioral interventions and supports" means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.
4. "Restrictive procedures" means the use of physical holding or seclusion in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child. Minn. Stat. § 125A.0941(f).
5. "Prone restraint" means placing/holding a student in a face down position. ~~Duluth School District may only use prone restraint on children five years of age and older in an emergency when all other conditions of use for a prone restraint are met. Prone restraint may be used until August 1, 2015.~~ ***Use of Prone restraint under any and all conditions has ended as of August 1, 2015.***
6. "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. Minn. Stat. § 125A.0941(g). Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.

## **B. Staff Training - Requirements and ~~Activities-Additional Training Content~~**

### **Requirements**

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 the training, attendees and training dates. Duluth Department of Special Services #709 will compile a list of all Nonviolent Crisis Intervention (NCI) trainings from the Crisis Prevention Institute (CPI) and retain attendance records in the district office. ~~The district will maintain records of additional trainings provided within the district. Records of all trainings will be maintained at each building site.~~ See Attendance Form (Appendix A) and Professional Development Form (Appendix B).

~~The following employee job classifications are authorized and certified to use restrictive procedures:~~

- ~~• 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~~
- ~~• Highly qualified education paraprofessional under Minn. Stat. § 120.B363~~
- ~~• Mental health professional as defined in n Minn. Stat. § 245.4871, Subd. 27~~

### **Additional Activities Training Content**

~~Personnel development activities-~~ ***Additional Training Content in the following areas*** will be provided to district staff and contracted personnel who have routine contact with students and who may use restrictive procedures ~~in the following areas:~~

1. Positive behavioral interventions;
2. Communicative intent of behaviors;
3. Relationship building;
4. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
5. De-escalation methods;
6. Standards for using restrictive procedures;
7. Obtaining emergency medical assistance;
8. Physiological and psychological impact of physical holding and seclusion;
9. Monitoring and responding to a child's physical signs of distress when physical holding is being used; and
10. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used.

***Note: Minimum expectations for training of additional content will be met by sharing additional training content during Non-Violent Crisis Intervention Trainings (full and refresher).***

~~The District shall maintain records of all staff who have been trained and the organization or professional that conducted the training. The District may collaborate with children's mental health providers to coordinate trainings. The record will detail, attendees, date of training, content or modules trained on that day.~~

**The following employee job classifications are authorized and certified to use restrictive procedures:**

- **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**
- **Highly qualified education paraprofessional under Minn. Stat. § 120.B363**
- **Mental health professional as defined in Minn. Stat. § 245.4871, Subd. 27**
- **Other staff designated by the building administrator with required training**

C. **Restrictive Procedures and Seclusion**

Restrictive procedures that may be used in emergency situations include physical holding and seclusion. Physical holding and seclusion will end when the threat of harm has ended and staff has determined that the student can safely return to the requested activity. Building nurse or health assistant will monitor and assess the student's physical condition during the restrictive procedure.

**Physical Holdings**

Duluth Public Schools intend to use the following types of physical holding: Children's Control, Team Control, Transport, and Interim Control. **Additionally, situational application of holding principals for lower, medium, and higher level holding in a seated or standing position may be used. Prone restraint is prohibited and may not be used.** ~~only be applied by staff who have been specifically trained on the use of prone restraints, provided the district has submitted a list of trained staff to MDE, including information on the type of training that was provided and the trainer. Before using prone restraints, the district must review any known medical or psychological limitations that contraindicate the use of prone restraints.~~

**Seclusion**

Duluth Public Schools do not use any rooms for seclusion.

D. **Prohibited Procedures**

Duluth Public Schools **prohibits the use of the following procedures on a child:** ~~will never use the following prohibited procedures 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. Presenting an intense sound, light or other sensory stimuli using smell, taste, substance, or spray as punishment.
4. Denying or restricting the students 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 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.
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.
9. Physical holding that restricts or impairs a student's ability to breathe.

E. **Documentation of a Restrictive Procedure Physical Holding**

Each time **a restrictive procedure physical holding** is used, the staff person who implements or oversees the **restrictive procedure physical holding** shall document, as soon as possible after the incident concludes, the following information:

- A description of the incident that led to the **restrictive procedure physical holding**;
- Why a least restrictive intervention failed or was determined by staff to be inappropriate or impractical;
- The time the **restrictive procedure physical holding** began and **ended**; ~~the time the child was released;~~ and
- A brief record of the child's behavioral and physical status.

The use of restrictive procedures in emergency situations will be documented through the use of the ~~Critical Incident Data Sheet for Restrictive Procedures Utilized with General Education Students~~ **Use of Restrictive Procedures - Gen Ed** (Google Form 5093) for general education students and Use of Restrictive Procedure-Physical Holding **or Seclusion** (SpEd Forms) **for students who receive special education services.**

F. **Documentation of Post-Use Staff Debriefing Meeting**

Each time **a restrictive procedure physical holding** is used, the staff person who implemented or oversaw the **restrictive procedure physical holding** shall conduct a post-use debriefing with involved staff within two school days of the incident after the restrictive procedure concludes. There will be at least one staff member attending the debriefing meeting who was not involved in the incident and has knowledge of behaviors **behavioral expertise. The Debriefing Meeting will be documented with the Staff Debriefing Meeting Form (Google Form 5093.1) or Staff Debriefing Meeting Form (SpEd Forms).** ~~A copy of the Critical Incident Data Sheet for Restrictive Procedures Utilized with General Education Students (Form 5093) or Use of Restrictive Procedure Physical Holding (SpEd Forms) and the Staff Debriefing Meeting Form Utilized with General Education Students (Form 5093.1) or the Staff Debriefing Meeting Form (SpEd Forms) will be sent to: child's case manager, the building principal, the district's special services director, and the assistant superintendent. A copy will also be placed in the student's due process file in the school building. The administrative assistant to the director of special services will keep a comprehensive file of all restrictive procedure forms used within the school district.~~

If the post-use debriefing meeting reveals that the use of **a restrictive procedure physical holding** was not used appropriately, the Building Oversight Committee will convene immediately to ensure corrective action is taken. The Building Oversight Committee will review and evaluate **restrictive procedures documentation** and the ~~Critical Incident Data Sheet for Restrictive Procedures Utilized with General Education Students (Form 5093) or the Use of Restrictive Procedure Physical Holding (SpEd Forms) and the Staff Debriefing Meeting Form Utilized with General Education Students (Form 5093.1) or the Staff Debriefing Meeting Form (SpEd Forms)~~ to determine and recommend training needs.

G. **Keeping of Records**

~~Original~~ **Documentation for all restrictive procedures** will be submitted to the administrative assistant to the director of special services (**paper copies for all students receiving special services and electronically for all general education students**). ~~to be filed in the student special services cum file.~~ Records will be retained for at least seven years following the last date of eligibility for special services to the student.

H. **Documentation for an IEP**

The use of restrictive procedures will be documented on the ~~Critical Incident Data Sheet for Restrictive Procedures Utilized with General Education Students (Form 5093) or the Use of Restrictive Procedure-Physical Holding (SpEd Forms)~~. Reviews will be conducted in accordance with MN Statute 125A.0942 Subd. 2(c), which requires when restrictive procedures are used on two separate school days within 30 calendar days, or when a pattern emerges and restrictive procedures are not included in a child's IEP or BIP; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child's annual IEP meeting when the child's IEP provides for using restrictive procedures in an emergency. Minn. Stat. § 125A.0942, Subd. 2(c).

If the IEP team determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the district uses restrictive procedures on a child on ten or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child. Minn. Stat. § 125A.0942, Subd. 2 (d).

At the meeting, the 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 IEP or BIP. Minn. Stat. §125A.0942, Subd. 2(e).

Record retention will be in accordance with district policies on student records policy #5060.

I. **Building Oversight Committees**

At the start of the school year, schools will publicly identify ~~oversight~~ **oversight** committee members and the purpose of the Building Oversight Committee. For schools that use restrictive procedures, the Building Oversight Committee will meet quarterly to review collected data provided in the **documentation of restrictive procedures and debriefing meetings for general education students and students who receive special education**. ~~Critical Incident Data Sheet for Restrictive Procedures Utilized with General Education Students (Form 5093) or the Use of Restrictive Procedure-Physical Holding (SpEd Forms) and the Staff Debriefing Meeting Form Utilized with General Education Students (Form 5093.1) or the Staff Debriefing Meeting Form (SpEd Forms)~~. The Committee will complete the Building Oversight Committee Review form quarterly (**Google Form 5093.2**). At the end of the school year, the Building Oversight Committee will complete the Annual Summary of Use of Restrictive Procedures form (**Google Form 5093.3**).

The Building Oversight Committee will make recommendations in regards to the District's Restrictive Procedures Plan, indicate training needs, and establish a plan for addressing Committee recommendations.

The oversight committee members 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. Minn. Stat. § 125A.0942, Subd. 1(b).

If the post-use debriefing meeting reveals that the use of **a restrictive procedure physical holding** was not used appropriately, the Building Oversight Committee will convene immediately to ensure corrective action is taken. The Building Oversight Committee will review and evaluate **restrictive procedures documentation** and the ~~Critical Incident Data Sheet for Restrictive Procedures Utilized with General Education Students (Form 5093) or the Use of Restrictive Procedure Physical Holding (SpEd Forms) and the Staff Debriefing Meeting Form Utilized with General Education Students (Form 5093.1) or the Staff Debriefing Meeting Form (SpEd Forms)~~ to determine and recommend training needs.

The District Oversight Committee (composed of the Special Services Leadership Team **and Climate Coordinator**) will review the Annual Summary of Use of Restrictive Procedures form (**Google** Form 5093.3) from each school building within the school district and assist with future trainings.

J. **Notification of Use of Restrictive Procedures Emergency Situations—Use of Restrictive Procedures**

The Duluth Public Schools shall make reasonable efforts to notify the parent by phone on the same day when restrictive procedures are used in an emergency. 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.

Building administrators will receive written **or electronic** notification when restrictive procedures are used in emergency situations. ~~Records will be reviewed and summarized annually.~~

K. **Positive Behavior Interventions and Supports**

Duluth School District #709 is committed to the three aims of: safe and welcoming environment; high achievement for all; and effective and efficient systems. The district is committed to using positive behavioral interventions and supports to ensure a safe and welcoming environment throughout the school district which will allow for the high achievement for all students. Positive behavior interventions and supports improve the school environment and teach children the skills to behave appropriately.

References: MS 125.0942, Subd. 1  
MS 125.0942, Subd. 2(c)

Adopted: ~~08-17-2011 ISD 709~~  
Revised: ~~05-20-2014 ISD 709~~