

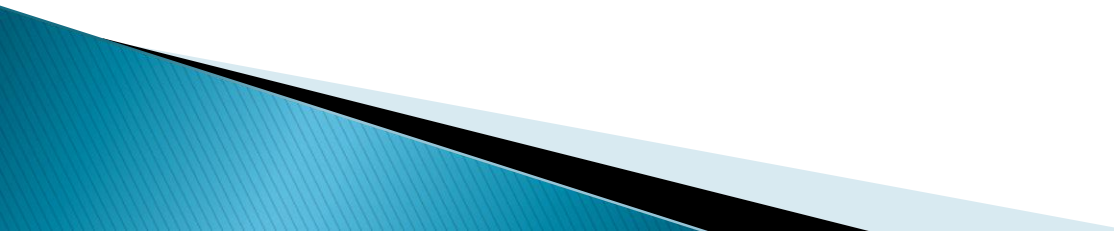
# **Implementing Minnesota Statute Section 125A.0942**

## **Standards for Restrictive Procedures Plans**

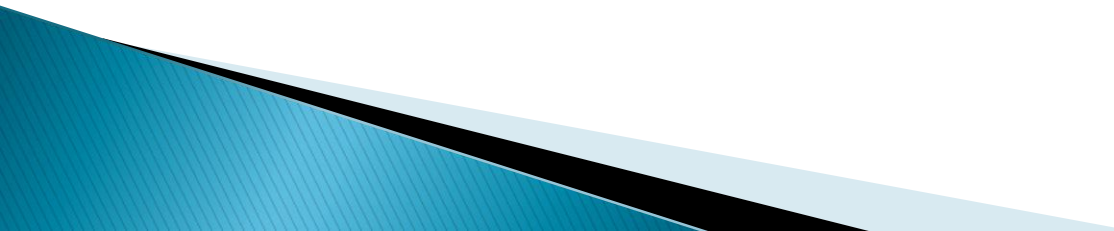
# Why are we doing this?

- ▶ Federal Rules and Regulations
- ▶ States are required to determine the criteria for use of restrictive procedures
- ▶ IEP trumps school board policies

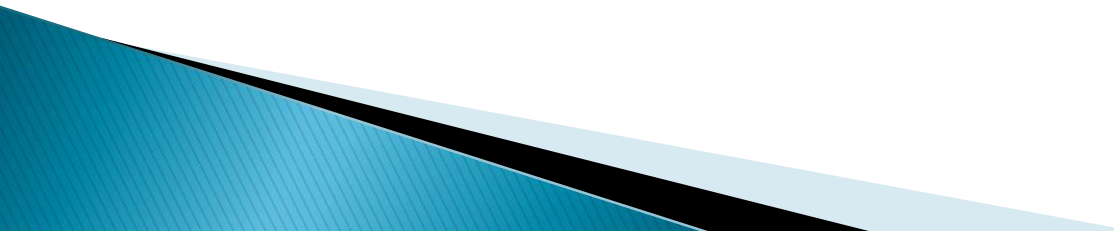
# Background information

- ▶ Restraint and seclusion are not treatment, but rather represent an emergency response to a treatment failure that results in an individual's loss of control
  - ▶ Restraint and seclusion can be dangerous for staff and individuals who are being restrained and/or secluded
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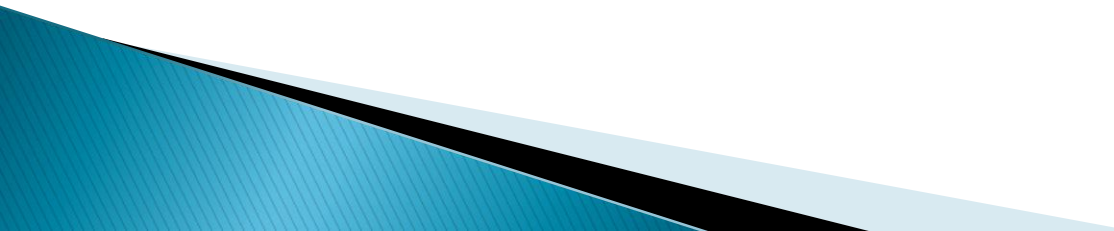
# What Is Minnesota Law?

- ▶ Allows for restraint and/or seclusion under certain circumstances
  - ▶ Requires IEP team decision
  - ▶ Requires a Functional Behavioral Assessment (FBA)
  - ▶ Requires a Behavioral Intervention Plan (BIP)
  - ▶ Parents have the right to remove permission to use these procedures
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# What is in Minnesota law?

- ▶ Defines “restrictive procedures” to include physical holding and seclusion and identifies that these may be used only in an emergency situation
  - ▶ Defines “physical holding”
  - ▶ Defines “seclusion”
  - ▶ Defines “emergency”
  - ▶ Defines the point when the procedure must be discontinued
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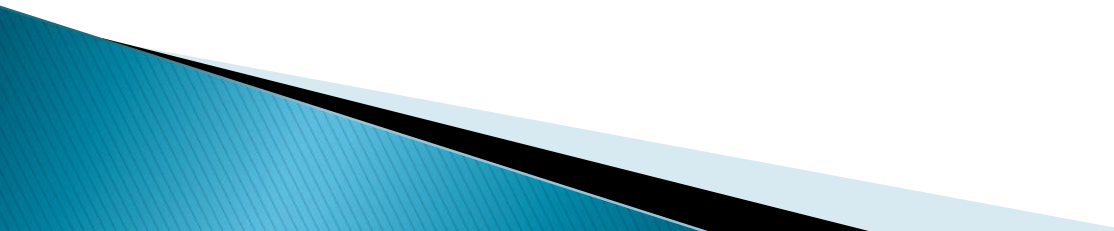
# Minnesota Law– continued

- ▶ Specifies the information that must be documented following the use of a restrictive procedure
  - ▶ Identifies the requirements for parental notification following the use of a restrictive procedure
  - ▶ Identifies the prior written notice regarding the use of seclusion
  - ▶ Requires that seclusion rooms be registered with MDE
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# Minnesota Law– continued

- ▶ Identifies minimum requirements for Restrictive Procedures plans
- ▶ Identifies exclusive list of individuals who can use restrictive procedures after receiving proper training

# “PHYSICAL HOLDING” DOES NOT INCLUDE:

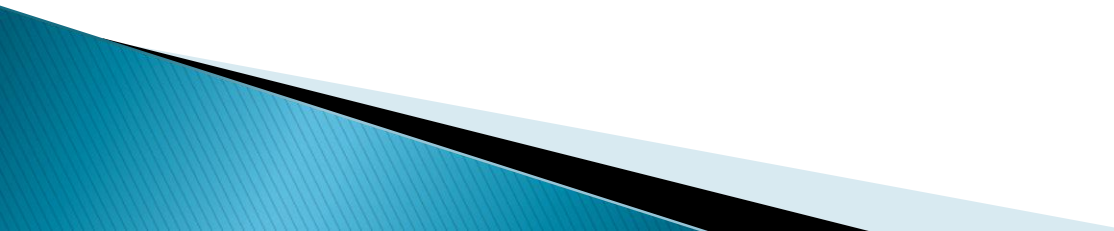
- ▶ Helping a child respond or complete a task
  - ▶ Assisting a child without restricting movement
  - ▶ Assisting with or administering an authorized health-related service or procedure
  - ▶ Escorting a child when the child does not resist or resistance is minimal
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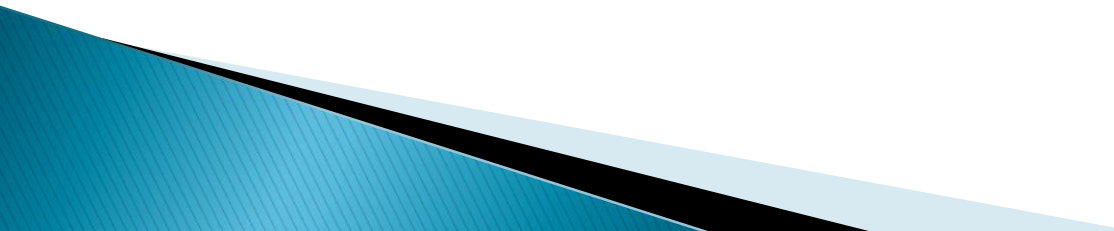
# “SECLUSION” MEANS

- ▶ Confining a child alone in a room from which egress is barred
- ▶ Note: Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion

# “EMERGENCY” MEANS:

- ▶ A situation where immediate intervention is needed to protect a child or other individual from physical injury or to prevent serious property damage
  - ▶ Note: An IEP team may plan for using restrictive procedures, however, the restrictive procedures may still only be used in response to behavior that constitutes an emergency
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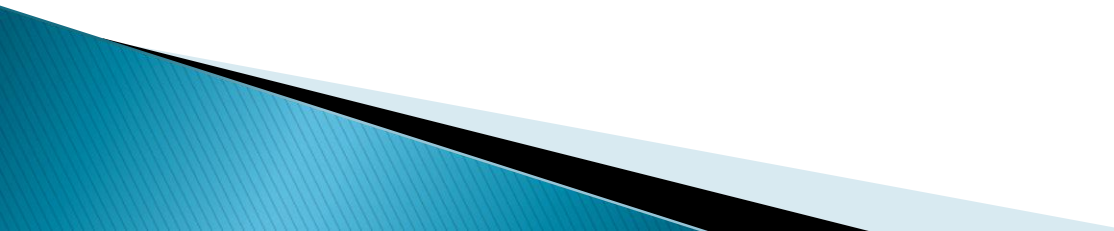
# DOCUMENTATION REQUIREMENTS

- ▶ Description of the incident that led to procedure
  - ▶ Explanation of why a less restrictive measure failed or was determined to be inappropriate or impractical
  - ▶ The time the restrictive procedure began and time the child was released
  - ▶ A brief record of the child's behavioral and physical status
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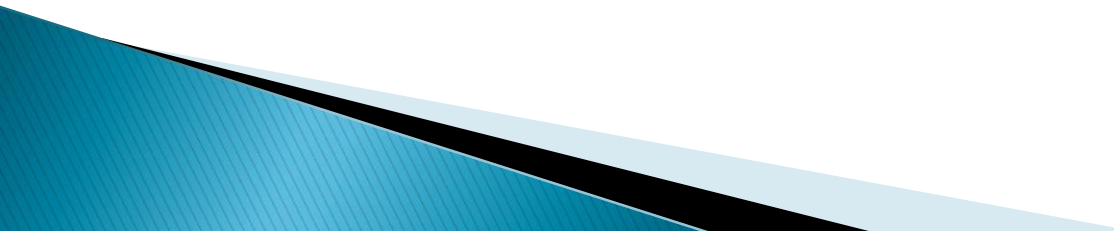
# PARENTAL NOTIFICATION REQUIREMENTS

- ▶ Reasonable effort made to notify parent on the same day, or if unable, notice sent within two days (notification may be sent electronically, written or otherwise as indicated by the parent)

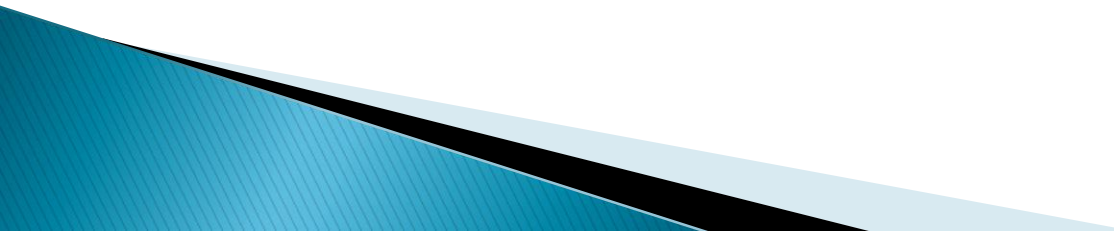
# SECLUSION ROOM REQUIREMENTS

- ▶ At least 5' by 6'
  - ▶ Well lit, ventilated adequately heated and clean
  - ▶ Observation window
  - ▶ Tamperproof fixtures, electrical switches located outside the door, secure ceilings
  - ▶ Doors that open out and are unlocked or have locks with immediate release mechanisms
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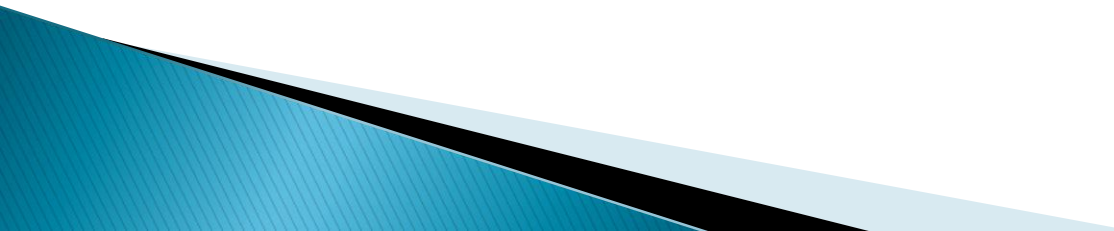
# PROHIBITED PROCEDURES

- ▶ Corporal punishment
  - ▶ Assuming or maintaining a specified position
  - ▶ Totally or partially restricting senses
  - ▶ Presenting intense sound, light, or other sensory stimuli
  - ▶ Restricting or denying access to equipment/devices such as wheelchairs, walkers, communication devices
  - ▶ Denying access to bathroom
  - ▶ Physical holding that restricts or impairs child's ability to breathe
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# RESTRICTIVE PROCEDURES PLAN REQUIREMENTS


- ▶ List of procedures the school intends to use
  - ▶ Description of how the school will monitor and review the use of restrictive procedures, including post-use briefings and convening an oversight committee
  - ▶ Written description and documentation of the training staff have completed
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# TRAINING REQUIREMENTS

- ▶ Positive behavioral interventions
  - ▶ Communicative intent of behaviors
  - ▶ Relationship building
  - ▶ Alternatives to restrictive procedures
  - ▶ De-escalation methods
  - ▶ Standards for using restrictive procedures
  - ▶ Obtaining medical assistance
  - ▶ Physiological and psychological impact of physical holding and seclusion
  - ▶ Monitoring and responding to physical signs of distress
  - ▶ Recognizing symptoms of and interventions that may cause asphyxia
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# USE OF REASONABLE FORCE

- ▶ Nothing in this law precludes the use of reasonable force by a school employee when it is necessary to prevent bodily harm or death to another
  - ▶ Law enforcement may use reasonable force when–
    - Effecting a lawful arrest
    - In the execution of legal process
    - Enforcing an order of the court
    - Executing any other duty imposed upon the officer by the law
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# Summary: State Statute– Minnesota's response to Federal law

- ▶ KEY RESULTS: Safe, comfortable environment for everyone in our schools
  - ▶ MISSION STATEMENT: Making a difference by preparing all students for a successful future in a changing world
  - ▶ QUESTIONS?
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