

# **Red Wing School District #256**

## **Restrictive Procedures Plan**

August 11, 2021 July 22, 2022

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## **Red Wing School District #256 Restrictive Procedures Plan**

In accordance with Minnesota Statute 125A.0941 and 125A.0942, Subd. 1, every school district is required to develop and make public a plan that discloses its use of restrictive procedures. Restrictive Procedure means the use of physical holding or seclusion in an emergency. 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. This plan is available upon request.

The Red Wing School District #256 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 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.
2. "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, 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:
  - a. helps a child respond to 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 Procedure" means the use of physical holding or seclusion in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child.
5. "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.

## **B. Staff Training – Requirements and Activities**

### **Requirements**

Personnel development activities 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 described below.

Staff who design and use behavioral interventions will complete training in the use of positive approaches as well as restrictive procedures. All staff that use restrictive procedures in the Red Wing School District are trained in CPI procedures. At the first sight of anxiety in a student you will need to become supportive (an empathetic, nonjudgmental approach attempting to alleviate anxiety). Staff who design and use behavioral interventions will complete training in the communicative intent of behaviors including the following:

1. Questioning – Questioning authority and attempting to draw staff into power struggles.
2. Refusal – Noncompliance / slight loss of rationalization.
3. Release – Acting out or emotional outburst.
4. Intimidation – Verbal or nonverbal threatening.
5. Tension Reduction – Drop in energy after crisis situation.

Staff who design and use behavioral interventions will complete training in the following relationship building strategies:

1. Building relationships with students when they are doing well.
2. Re-establishing relationships after students come back from a crisis. Re-establishing rapport.
3. Provide students personal space.
4. Use appropriate nonverbal and paraverbal communication (tone, volume and cadence) when establishing relationships with students.

Staff who design and use behavioral interventions will complete training in the following alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior:

1. Recognizing anxiety.

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2. Recognizing nonverbal behavior.
3. Giving students time and space to release.

Staff who design and use behavioral interventions will complete training in the following de-escalation methods:

1. Time and space
2. Someone to talk with
3. Walk/Exercise/Movement

Staff who use restrictive procedures will implement the following standards for use:

1. Only as a last resort when a person is a danger to self or others.
2. Always maintaining the care, welfare, safety and Security of all.

Staff who design and use behavioral interventions will follow the Red Wing School District #256 Crisis Plan in an emergency situation. Staff will also recognize that the physiological and psychological impact of physical holding and seclusion is different for all students. Staff must analyze, be aware of, and respond to this impact. Everyone being restrained should be considered “at risk”. Interventions will be monitored for physical and psychological distress including the symptoms of and interventions that may cause potential asphyxia when physical holding is used.

Training records will identify the content of the training, attendees, and training dates. Goodhue County Education District #6051 will compile a list of all Crisis Prevention Institute (CPI) trainings and forward attendance records to the district on a quarterly basis. The district will maintain records of additional trainings provided within the district. Records of all trainings will be maintained at each building site. See Appendix A and B for Site Trainings and Attendance Forms, respectively.

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
- Mental Health professional

**C. Restrictive Procedures and/or Seclusion**

(a) 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) physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency;
- (2) physical holding or seclusion is not used to discipline a noncompliant child;
- (3) physical holding or seclusion ends when the threat of harm ends and the staff determines the child can safely return to the classroom or activity;
- (4) staff directly observes the child while physical holding or seclusion is being used;
- (5) each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, 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;
- (6) the room used for seclusion must:
  - (i) be at least six feet by five feet;
  - (ii) be well lit, well ventilated, adequately heated, and clean;
  - (iii) have a window that allows staff to directly observe a child in seclusion;
  - (iv) have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;
  - (v) have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have

immediate release mechanisms connected with a fire and emergency system; and

(vi) not contain objects that a child may use to injure the child or others; and

(7) before using a room for seclusion, a school must:

(i) receive written notice from local authorities that the room and the locking mechanisms comply with the applicable building, fire, and safety codes; and

(ii) register the room with the commissioner, who may view that room.

### **Physical Holdings**

All buildings in the Red Wing School District #256 intend to use the following types of physical holding when trained in CPI: Children's Control, Team Control, Transport Position, Interim Control. Additional training and monitoring by a qualified CPI Instructor will be provided to staff using these procedures.

### **Seclusion**

The Red Wing School District #256 does not intend to use any locked time out rooms for seclusion.

### **Notification To Parents**

A school shall make:

- Reasonable efforts to notify the parent on the same day a restrictive procedure is used; or
- If unable to provide same-day notice, notice is sent within two days by:
  - Written means;
  - Electronic means; or
  - As otherwise indicated by the parent in the child's IEP or BIP

**Reporting Requirements for Using Restrictive Procedures**

Goodhue County Education District must report summary data to MDE by July 1<sup>st</sup> of the current school year, on districts' use of restrictive procedures during that school year, including data on:

- The number of incidents involving restrictive procedures;
- The total number of students on which restrictive procedures were used;
- The number of resulting injuries;
- Relevant demographic data on the students and school; and
- Other relevant data collected by the district.

Within 24 hours after a student with a disability suffers death or serious injury, the Goodhue County Education District must notify the Office of the Ombudsman of the death or serious injury. Reports of death or serious injury may be done by faxing a completed form to the Office of the Ombudsman.

**Reporting Requirement – Serious Injury**

“Serious Injury” means:

- Fractures;
- Dislocations;
- Evidence of internal injuries;
- Head injuries with loss of consciousness;
- Lacerations involving injuries to tendons or organs and those for which complications are present;
- Extensive second-degree or third-degree burns, and other burns for which complications are present;
- Extensive second-degree or third-degree frostbite, and others for which complications are present;
- Irreversible mobility or avulsion of teeth;
- Injuries to the eyeball;
- Ingestions of foreign substances and objects that are harmful;
- Near drowning;
- Heat exhaustion or sunstroke;
- And all other injuries considered serious by a physician\*

Additionally, the Office of the Ombudsman asks that instances of self-injurious behaviors (SIB) or suicide attempts be reported to the Office when the injury results in hospitalization of the student or the need for medical treatment.



*\*further defined by the Office of the Ombudsman to include complications of a previous injury, complications of medical treatment, and other.*

**D. Prohibited Procedures**

The Red Wing School District 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 (b) unreasonable physical force that causes bodily harm or substantial emotional harm;
2. Requiring a child 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 smell, taste, substance, or spray as punishment;
4. Denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate a 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;
5. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting of maltreatment of minors);
6. Totally or partially restricting a student's senses as punishment;
7. Withholding regularly scheduled meals or water;
8. Denying the child access to bathroom facilities; and
9. 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.
10. Prone Restraint

**E. Documentation of Physical Holding and/or Seclusion**

By February 1, 2015, and annually thereafter, stakeholders may, as necessary, recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and the commissioner must submit to the legislature a report on districts' progress in reducing the use of restrictive procedures that recommends how to further reduce these procedures and eliminate the use of seclusion. The statewide plan includes the following components: measurable goals; the resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and recommendations to clarify and improve the law governing districts' use of restrictive procedures. The commissioner must consult with interested stakeholders when preparing the report, including representatives of advocacy organizations, special education directors, teachers, paraprofessionals, intermediate school districts, school boards, day treatment providers, county social services, state human services department staff, mental health professionals, and autism experts. Beginning with the 2016-2017 school year, in a form and manner determined by the commissioner, districts must report data quarterly to the department by January 15, April 15, July 15, and October 15 about individual students who have been secluded. By July 15 each year, districts must report summary data on their use of physical holds to the department for the prior school year, July 1 through June 30, in a form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

The use of restrictive procedures in emergency situations will be documented through the use of the Restrictive Procedures Physical Holding Form (see Appendix D), Restrictive Procedures Seclusion Form (see Appendix E), and the Staff Debriefing Meeting Form (see Appendix F).

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

Each time physical holding or seclusion is used the staff person who implemented or oversaw the physical holding or seclusion shall conduct a post-use debriefing with involved staff within 2 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. A copy of the Restrictive Procedures Physical Holding form (see Appendix D) and/or the Restrictive Procedures Seclusion form (see Appendix E) and the Staff Debriefing Meeting form (see Appendix F) will be sent to: the child's case manager, the building principal, the Goodhue County Education District Director, and a copy placed in the child's due process file. The Goodhue County Education District Director will keep a comprehensive file of all restrictive procedure forms to be used by the Building Oversight Committee (see Appendix G for list of committee members).

If the post-use debriefing meeting reveals that the use of physical holding or seclusion 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 the Restrictive Procedures Physical Holding form (see Appendix D), the Restrictive Procedures Seclusion form (see Appendix E), and the Staff Debriefing Meeting form (Appendix F) to determine and recommend training needs.

**G. Documentation for an Individual Education Plan (IEP)**

The use of restrictive procedures in response to an emergency may be documented in the child's IEP or a behavior intervention plan (BIP) attached to the IEP. Reviews will be conducted in accordance with MN Statute which requires the district will hold a meeting of the IEP team conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the IEP or BIP as appropriate. The district must hold the meeting: within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's IEP or BIP does not provide for using restrictive procedures in an emergency; 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. 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. At the meeting the team will review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the IEP or BIP.

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

**H. Building Oversight Committees**

The Building Oversight Committee will meet quarterly to review data provided in the Restrictive Procedures Physical Holding form (see Appendix D), Restrictive Procedures Seclusion form (Appendix E), and Staff Debriefing Meeting form (see Appendix F). The Committee will complete the Building Oversight Committee Review Form (see Appendix H). The Building Oversight Committee will also complete the Annual Summary of Use of Restrictive Procedures form (see Appendix J). The Building Oversight Committee will make recommendations in regards to the District's Restrictive Procedures Plan and, if necessary, indicate training needs and establish a plan for addressing Committee recommendations.

If a post-use debriefing meeting reveals that the use of physical holding or seclusion 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 the Restrictive Procedures Physical Holding form (see Appendix D), Restrictive Procedures Seclusion form (see Appendix E), and the staff Debriefing Meeting form (see Appendix F) to determine and recommend training needs.

**I. Emergency Situations – Use of Restrictive Procedures**

The Red Wing School District #256 shall make reasonable efforts to notify the parent 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. Documentation of how the parent wants to be notified when a restrictive procedure is used may be found in the IEP or BIP.

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

**J. Positive Behavior Interventions and Supports**

The district is committed to using positive behavioral interventions and supports. Positive behavior interventions and supports (PBIS) means intervention and strategies to improve the school environment and teach children the skills to behave appropriately.

Each building in the Red Wing School District #256 uses the following practices and procedures to teach expected behaviors and provide additional positive supports to students requiring further intervention:

In the fall of 2010, we created a school-wide behavior plan that we wanted all students and teacher to follow. The items listed below were most important attributes of this plan.

Assist the school/site (i.e. administrators, teachers, students, and support staff) in reaching academic and behavioral benchmarks and goals.

Create a positive learning environment throughout the school/site.

Teach that all activities and curricula in the school/site are positive actions, including: reading, writing, math, nutrition, social skills, etc.

Develop a caring environment that is free of disruptive behavior, bullying, substance use, and violence.

In creating a school wide plan with input from all staff we were able to garner and maintain staff buy-in throughout the process. We continue to expand and strengthen our system in the use of research based positive behavior interventions and an increased collection and use of data.

PBIS correlates with both our staff development goals and district AYP plans. Research, as cited multiple times on the PBIS website, indicates that academic achievement increases as behavioral referrals decrease. As part of our efforts to increase academic achievement and meet benchmarks, we understand the importance of having a cohesive and research driven response to student and staff behavior. During this past year we

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have also had extensive training on Professional Learning Communities (PLC). Having strong PLC model allows us to examine and get our hands around issues that face us as we strive to increase student performance. PLCs also give us a vehicle to expand the knowledge base and implementation of new initiatives such as the implementation of PBIS.