

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 Individualized Education Program (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.
 - 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. 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 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 Public Schools 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.

Additional Training Content

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:

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 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.

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:

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

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

- A description of the incident that led to the restrictive procedure;
- Why a least restrictive intervention failed or was determined by staff to be inappropriate or impractical;
- The time the restrictive procedure began and ended; 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 Use of Restrictive Procedures - Gen Ed (Google Form) 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 is used, the staff person who implemented or oversaw the restrictive procedure 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 behavioral expertise. The Debriefing Meeting will be documented with the Staff Debriefing Meeting Form (Google Form) or Staff Debriefing Meeting Form (SpEd Forms).

If the post-use debriefing meeting reveals that the use of a restrictive procedure 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 recommend training needs.

G. Keeping of Records

Documentation for all restrictive procedures will be retained by ISD 709. Records will be retained for at least seven years following the last date of eligibility for students receiving special education services.

H. Documentation for an IEP

The use of restrictive procedures will be documented on 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 #515.

I. Building Oversight Committees

At the start of the school year, schools will publicly identify 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. The Committee will complete the Building Oversight Committee Review form quarterly (Google Form). At the end of the school year, the Building Oversight Committee will complete the Annual Summary of Use of Restrictive Procedures form (Google Form). 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.

For students with an IEP, 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 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 recommend training needs.

For students with an IEP, 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) from each school building within the school district and assist with future trainings.

J. Notification of 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.

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)

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