



## **Restrictive Procedures Albert Lea Area Schools 2023-2024**

**Albert Lea School District promotes the use of positive approaches for behavioral interventions for all students. When restrictive procedures are employed in an emergency situation with any student, the School District will adhere to the standards and requirements of Minnesota Statute § 125A.094: Restrictive Procedures for Children with Disabilities. This plan specifically outlines the list of restrictive procedures the school intends to use in the case of an emergency, how the school will monitor and review the use of restrictive procedures, documentation requirements; the convening of a District Oversight Committee; and staff training requirements.**

### **Definition of Restrictive Procedures:**

Restrictive Procedures means the use of physical holding in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child. Minnesota Statute § 125A.0941(f).

**Minnesota Statute § 125A.094, Subd 1a:** Schools that intend to use restrictive procedures shall maintain and make publicly accessible a restrictive procedures plan for students that includes at least the following: the list of restrictive procedures the school intends to use; how the school will monitor and review the use of restrictive procedures, including conducting post-use debriefings and convening an oversight committee; and a written description and documentation of the training staff completed under subdivision 5. Albert Lea School District promotes the use of positive approaches for behavioral interventions for all students. When restrictive procedures are employed in an emergency situation with any student, the School District will adhere to the standards and requirements of Minnesota Statute § 125A.094: Restrictive Procedures for Children with Disabilities.

**Minnesota Statute § 125A.094, Subd. 2:** Restrictive procedures may be used 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 under section § 120B.363, or mental health professional under section § 245.4871, subd. 27, who has completed the training program under subd. 5.

**Minnesota Statute § 125A.0941 (c):** 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. The term physical holding does not mean physical contact that: 1) helps a child respond or complete a task; 2) assists a child without restricting the child's movement; 3) is needed to administer an authorized health-related service or procedure; or 4) is needed to physically escort a child when the child does not resist or the child's resistance is minimal.

**Minnesota Statute § 125A.0941 (g):** 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.

**Minnesota Statute § 125A.0942, Subd. 3:** 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) the physical holding or seclusion must be the least intrusive intervention that effectively responds to the emergency; (2) physical holding or seclusion must end when the threat of harm ends and the staff determines that the child can safely return to the classroom or activity; (3) staff must directly observe the child while physical holding or seclusion is being used; (4) each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion shall document, 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.

**Minnesota Statute § 121A.67, Subd. 2:** If a pupil who has an individual education plan is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or a school staff person during the school day twice in a 30-day period, the pupil's individual program team must meet to determine if the pupil's individual education plan is adequate or if additional evaluation is needed.

Albert Lea Area Schools use restrictive procedures only in response to behavior that constitutes an emergency, even if written into a child's Individualized Education Plan (IEP) and Behavior Support Plan (BSP). Emergency means a situation where immediate intervention is needed to protect a child or other individual from physical injury. The intervention will be used as a last resort and will be considered the safest option for all.

### **Staff Training**

All Albert Lea School District special education staff receive training on the skills and knowledge content areas in accordance with Minnesota Statute § 125A.0942, Subd. 1(3) and Subd. 5.

Staff who design and use behavioral interventions will complete an initial 12 hour course in Non-Violent Crisis Intervention and refresher course training annually, which is considered an evidence-based program to help de-escalate a situation before it becomes a crisis and to respond appropriately and safely when there is a crisis. Albert Lea School District is transitioning from Non-Violent Crisis Intervention (CPI) to Safety Care. The district will have staff trained in both CPI and Safety Care. Staff will complete an initial 12 hour course in Safety Care and a 6 hour refresher course training annually. Training records will identify the content of the training, attendees and training dates. A database containing records of all training will be maintained within Special Services at the Brookside Education Center and with the Special Education Coordinators in Albert Lea.

The following employee job classifications are authorized and certified to use restrictive procedures if trained in CPI and Safety Care:

- Licensed special education teacher
- Clinical school social worker
- Other licensed education professional
- Highly qualified education paraprofessional
- Mental health professional

### **Professional Development**

Professional 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:

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;
9. Monitoring and responding to a child's physical signs of distress when physical holding is being used;
10. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;
11. District policies and procedures for timely reporting and documenting each incident involving use of a restrictive procedure;
12. School wide programs on positive behavior strategies;

To meet all of the professional development requirements, staff that use **restrictive procedures** will complete training in the above skills and knowledge areas through the guided use of Nonviolent Crisis Intervention, Safety Care and Positive Behavior Intervention Strategies training.

### **Links to Mental Health Services**

Freeborn County Social Services

<http://www.co.freeborn.mn.us/>

Phone (507) 377-5400

National Alliance on Mental Illness: NAMI - Minnesota

[NAMI](#)

National Institute on Mental Health:

[www.nimh.nih.gov/index.shtml](http://www.nimh.nih.gov/index.shtml)

Albert Lea School District is committed to using positive behavioral intervention and supports as defined in Minnesota Statute § 125A.0941 (d). This involves incorporating environmental changes and skill building strategies proactively in order to maintain a supportive and safe learning environment. In the event that a student's challenging behavior should escalate to an emergency situation, Albert Lea School District staff may use procedures which are considered restrictive under Minnesota Statute § 125A.0942 in order to maintain a safe environment when lesser restrictive procedures are ineffective. In accordance with Minnesota Statute § 125A.0942, Subd. 1, Albert Lea School District discloses the following on the use of restrictive procedures:

### **Minnesota Statutes on Restrictive Procedures**

1. Restrictive Procedures: Minnesota Statute § 125A.0941 (e) includes physical holding and seclusion as restrictive procedures.
2. Albert Lea School District will never use any of the procedures designated as prohibited under Minnesota Statute § 125A.0942, Subd. 4(1-9).
3. Emergency: Minnesota Statute § 125A.0941 (b) states that a restrictive procedure may only be utilized in an emergency situation. An emergency is defined as a situation where immediate intervention is needed to protect a student or others from physical injury.

### **Restrictive Procedures Not Used in Albert Lea School District**

**Seclusion:** Seclusion means confining a student alone in a room from which egress is barred. This does not include removing a child from an activity to a location where the child cannot participate or observe the activity.

In the event that an emergency situation should unexpectedly occur and use of physical holding is deemed unsafe, staff may remove others and themselves from the current room while barring egress in order to prevent injury as use of reasonable force under Minnesota Statutes § 125A.582; 609.06, Subd.1; and § 609.379.

### **Restrictive Procedures Used in Albert Lea School District**

Physical Holding: 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. Albert Lea School District Licensed Staff, Special Education paraprofessionals, and School Social Workers, participate in Nonviolent Crisis Intervention (CPI) and Safety Care training annually. This mandatory training covers appropriate use of physical restraints. 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.

### **Prohibited Procedures include the following:**

1. Corporal Punishment which includes conduct involving: 1) 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 a specified physical position, activity, or posture that induces physical pain;
3. Presenting an intense sound, light, or other sensory stimuli using taste, smell, substance, or spray as punishment;
4. Denying or restricting the student's 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 or 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 under section § 626.556;
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, and/ or;
9. Physically holding that restricts or impairs a student's ability to breathe;
10. Use of tasers or threatened use of tasers.
11. Prone Restraint

## **General Information Regarding Restrictive Procedures**

### **What is considered an "Emergency"?**

An emergency is a situation where immediate intervention is needed to protect a child or other individual from physical injury.

- Jumping in front of a bus IS an emergency.
- A student not responding to verbal intervention during a fight MAY BE an emergency.
- Screaming obscenities in the hallway is NOT an emergency.
- Property destruction may NOT be an emergency.

### **Restrictive Procedures - Basic Procedures:**

- Can be used ONLY in an emergency. It must be the safest option and the last resort.
- Must be the least intrusive effective intervention.
- Must end when the threat of harm ends.
- Must be documented EVERY time.
- Parent notification is required the same day a restrictive procedure is used on a child.

- A post-use debriefing must occur within 24 hours of the procedure.

## **Documentation Procedures**

### **Documentation of Physical Holding**

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

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

The use of restrictive procedures in emergency situations will be documented on the Restrictive Procedure Reporting Form unless the student is on an IEP. (see Appendix A).

If the student is on an IEP then the physical hold will be documented using SPED Forms using the Restrictive Procedures: Physical Holding form

### **Restrictive Procedure Staff Debriefing Form**

Each time a restrictive procedure is used, the staff person will conduct a post-use debriefing with the staff members involved in the use of such procedures within 24 hours (See Appendix C). The post-use debriefing will review the requirements for use of restrictive procedures to ensure that staff has implemented them according to the standards in Minnesota Statute § 125A.0942: the form was completed correctly, staff is able to talk through their feelings surrounding the incident, and action-plans are generated. Should the post-use debriefing indicate that uses of restrictive procedures were not used appropriately, Albert Lea School staff will contact the Building Administrator and Coordinator immediately. Within 24 hours of any restrictive procedure, all staff members involved in the restrictive procedure will debrief and complete the Restrictive Procedure Staff Debriefing Form. The School Social Worker will lead the team involved through the debriefing meeting (If the school social worker is not available, staff should contact their building Supervisor. A building administrator will be invited to the meeting and will attend whenever possible.

### **Including Restrictive Procedures in IEPs or BSPs**

The requirement that physical holding only be used in an emergency situation continues to apply even when restrictive procedures are included in the IEP and BSP. When physical holding is included in the IEP or BSP, the IEP team must:

1. Ensure that an FBA has been completed. Use the FBA information along with the present level of performance, needs, goals, and objectives to develop a BSP.
2. Include positive behavior supports, de-escalation procedures, instruction in appropriate behavior, and other preventative measures in the BSP.
3. Document which restrictive procedure is being included and why it is the least restrictive effective intervention. The BSP must identify the frequency and severity of target behaviors for which the restrictive procedure is being considered; and anticipated criteria for returning the students to the routine activities and regular education environment if the intervention is used.
4. Indicate how the parent wants to be notified when a restrictive procedure is used.
5. The team is expected to debrief after every restrictive procedure within 24 hours and complete the Restrictive Procedure Reporting Form and the Restrictive Procedure Staff Debrief Form.
6. The IEP team can include restrictive procedures in the IEP or BSP • BUT they can only be used in response to an emergency • AND an IEP meeting must be held if they are used twice in 30 days

## **Review Procedures**

The District will monitor and review the use of restrictive procedures. This includes post-use debriefings with those involved, meetings at the end of each month between the Director/Coordinator of Special Services to discuss restrictive procedures used district-wide, in addition to the District Oversight Committee that meets quarterly to review completed forms and data. In the case of a student with a disability, due process and documentation requirements will be followed a minimum of one time per year during annual IEP meetings. Oversight Committee: Quarterly, the District Oversight Committee (Behavior Intervention Response Team) will convene and review reported uses of restrictive procedures. This team will review aggregate data, monitor implementation of restrictive and proactive interventions, and provide additional resources if necessary (i.e. training, staff support, materials).

Oversight Committee Members:

- Sheila Riebe, Director of Special Services
- Tammy Willis, Secondary Special Education Coordinator or Sarah Stay, Elementary Special Education Coordinator or Pam Anfinson, Early Childhood Special Education Coordinator
- School Social Workers: Nicole Brooks, Katie Nielsen, Amy Brouwers, Kim Nelson, Carrie Farr, Stephanie Engebretson, Mary Larscheid, Heather Leiste, and Brittany Olson
- Building Principals: Marie Adams, Nicky Severtson, Kim Larson, Zack Kruger, Tyler Johnson, Chris Dibble, Sean Gaston and Kristi Kenis.
- Malie Niethammer, Dean of Students

The committee will review the following:

1. Physical intervention documentation to determine patterns or problems indicated by similarities in the time of day, day of week, duration of the use of a restrictive procedure, as well as review individual due process paperwork.
2. The number of times a restrictive procedure is used school wide and for an individual child.
3. The number and types of injuries, if any, resulting from the use of restrictive procedures.
4. Whether restrictive procedures are used in non-emergency situations.
5. The need for additional staff training.
6. Communicate recommendations for training needs to the Albert Lea Area Schools Special Services Director.

## **Emergency Situations – Use of Restrictive Procedures**

The Albert Lea Area schools 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 BSP. Building administrators will receive written notification when restrictive procedures are used in emergency situations. Records will be reviewed and summarized annually.

## **Definitions**

**Emergency** – A situation where immediate intervention is needed to protect a child or other individual from physical injury.

**Physical Holding** – 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. The term physical holding does not mean physical contact that:

- Helps a child respond or complete a task;
- Assist 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

**Positive Behavioral Interventions and Supports** – Interventions and strategies to improve the school environment and teach children the skills to behave appropriately.

**Restrictive Procedures** – The use of physical holding or seclusion in an emergency