



**Restrictive
Procedures
Plan
2023-2024**

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Overview

Cologne Academy 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.0942: 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.

In accordance with Minn. Stat. § 125A.0941 and § 125A.0942 every school district in Minnesota is required to develop and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request, a plan that discloses its use of restrictive procedures with special education students. The plan must list the restrictive procedures that the school district intends to use; describe how the school district will implement a range of positive behavior strategies and provide links to mental health services, describe how the school district will monitor and review the use of restrictive procedures, including post-use debriefings and convening an oversight committee to undertake a quarterly review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures, the number of times a restrictive procedures is used schoolwide and for individual children the number and types of injuries, if any, resulting from the use of restrictive procedures, whether restrictive procedures are used in non-emergency situations, the need for additional staff training, and proposed actions to minimize the use of restrictive procedures; and includes a written description and documentation of the training any staff members who will be using restrictive procedures have completed to show they have the skills set out in Minn. Stat. § 125A.0942, subd. 4.

This document can be found at the Cologne Academy website in the special education section.

When Restrictive Procedures May be Used

Cologne Academy uses restrictive procedures only in emergency situations.

“**Emergency**” does mean a situation where immediate intervention is needed to protect a student or other individuals 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. (MS125A.091(a))

Restrictive procedures must not be used to punish or otherwise discipline a child.

Restrictive Procedures That May be Used

The restrictive procedure that authorized Cologne Academy staff may use in an emergency situation is physical holding.

Physical holding is a physical intervention intended to hold a student immobile or limit a student’s movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a student in order to protect a student or other individual from physical injury.

A school that uses physical holds must meet the following requirements:

1. physical holding must be the least intrusive intervention that effectively responds to the emergency;
2. physical holding must not be used to discipline a noncompliant student;
3. physical holding must end 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 student while physical holding is being used; and
5. each time physical holding is used, the staff person who implements or oversees the holding documents, as soon as possible after the incident concludes, the following information –
 - a description of the incident that led to the physical holding
 - why a less restrictive measure failed or was determined by staff to be inappropriate or impractical
 - the time the physical holding began and the time the student was released
 - a brief record of the student’s behavioral and physical status
 - a brief description of the post-use debriefing that occurred as a result of the use of physical holding. (MS 125A.0942, subd 3)

The definition of physical holding does not include the use of mechanical restraints for transportation, sensory needs, or medical needs as these procedures are documented in the student's Individual Education Program (IEP). An example is the use of a seat belt on the bus.

Prohibited Procedures

Cologne Academy does not use the following restrictive procedure:

Seclusion: confining a student alone in a room from which egress is barred, including by an adult locking or closing the door in the room or preventing the student from leaving the room. Removing a student from an activity to a location where the student cannot participate in or observe the activity is not seclusion if the student is not confined alone in a room from which egress is barred.

In addition, the following actions or procedures are prohibited (MS 125A.0942 subd 4)

1. Engaging in any conduct prohibited by MS 121A.58 which includes:
 - a. corporal punishment
 - b. prone restraint and certain physical holds - An employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student's torso.
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child's senses (vision or hearing) as a punishment.
4. Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
5. Denying or restricting a child's access to equipment or devices such as walkers, wheelchairs, hearing aids or communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is necessary to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment will be returned to the child as soon as possible;
6. Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting of maltreatment of minors);
7. Withholding regularly scheduled meals or water; or
8. Denying access to bathroom facilities.

Range of Positive Behavior Strategies Used at Cologne Academy

Positive behavioral interventions and supports are interventions and strategies to improve the school environment by teaching children the skills to prevent problem behavior, providing instruction and support for positive and prosocial behaviors, and supporting social, emotional, and behavioral needs for all students.

Cologne Academy is a Positive Behavior Interventions and Supports (PBIS) site and has implemented a multi-tiered system of behavior interventions (MTSS). All staff are trained annually on the PBIS program, and the themes are continually reinforced across the year. The focus of the PBIS program is teaching, recognizing, and rewarding positive student behavior. The goal is to reduce unnecessary discipline in order to promote a climate of greater productivity, safety, and learning. Within the MTSS system, staff implement a range of positive behavior strategies and interventions to address student needs. Positive behavior skills are taught by:

1. establishing, defining, teaching, and practicing three to five positively stated schoolwide behavioral expectations that are representative of the local community and cultures;
2. developing and implementing a consistent system used by all staff to provide positive feedback and acknowledgment for students who display school wide behavioral expectations;
3. developing and implementing a consistent and specialized support system for students who do not display behaviors representative of schoolwide positive expectations;
4. developing a system to support decisions based on data related to student progress, effective implementation of behavioral practices, and screening for students requiring additional behavior supports;
5. using a continuum of evidence-based interventions that is integrated and aligned to support academic and behavioral success for all students; and
6. using a team-based approach to support effective implementation, monitor progress, and evaluate outcomes.

In keeping with the practice of prevention and positive intervention, Cologne Academy will only use physical holds in emergency situations. Cologne Academy staff implement a range of positive behavior strategies as proactive approaches to teaching positive behavior skills to students, thereby reducing the need for the use of physical holds.

These positive behavior strategies include:

- ◆ Staff co-participation
- ◆ Planned check-in times
- ◆ Redirection
- ◆ Previewing expectations
- ◆ Staff modeling desired behaviors
- ◆ Allow student to go to safe place to relax/regroup
- ◆ Conflict mediation

- ◆ Verbal de-escalation
- ◆ Process with Staff
- ◆ Exit other Peers
- ◆ Offer alternative activities or spaces for work
- ◆ Offer sensory tools
- ◆ Social stories
- ◆ Staff hand off
- ◆ Proximity control

Mental Health Resources

To obtain service or a referral to a service provider, the family should contact their primary care clinic, physician or insurance provider. Listed below are links to mental health resources:

Children's Mental Health Crisis Response Services (CRS)

- Crisis Text line offers free help for those who are having a mental health crisis or are contemplating suicide. Services are available 24/7 across Minnesota. Text "MN" to 741741
- Call **CRISIS (**274747) from a cell phone to talk to a team of professionals who can help you.

Carver County Children's Mental Health

<https://www.carvercountymn.gov/departments/health-human-services/child-family/children-s-mental-health>

Carver County Resource Guide for Families

<https://www.carvercountymn.gov/home/showpublisheddocument/11519/638246809759630000>

Scott County Children's Mental Health

<https://www.scottcountymn.gov/204/Childrens-Mental-Health>

Minnesota Association for Children's Mental Health

<https://macmh.org>

Minnesota Department of Human Services – Children's Mental Health

<https://mn.gov/dhs/people-we-serve/children-and-families/health-care/mental-health/>

National Alliance on Mental Illness – Minnesota Division

<https://namimn.org/support/information-and-resources/>

Annual Professional Development

At Cologne Academy, all special education, behavior intervention and administrative staff are trained in NonViolent Crisis Prevention Interventions (NVCPI). Training takes place before the start of every school year and refreshers are provided across the year. Not all staff who go through NVCPI training are trained to conduct physical holding. Training in those procedures is reserved for designated staff who work with the highest risk students. They are highly and continuously trained in the district's Emergency Procedures in addition to NVCPI.

Staff members who use or who could potentially use restrictive procedures are trained to identify and appropriately address the needs of all students. All training is on-going across the year (e.g., NVCPI restrictive procedure refreshers at least twice per year, monthly paraprofessional training, individual follow-up with staff assigned to high-risk students, ongoing behavior support through the RBT (Registered Behavior Technicians) and BCBA (Board Certified Behavior Analyst).

Staff who may respond to emergencies are trained in the following skills and knowledge 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 only in an emergency;
7. obtaining emergency medical assistance;
8. the 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;
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 restricted procedure;
12. schoolwide programs on positive behavior strategies.

The District maintains records of all training and training participants to ensure that staff meet the skill and knowledge areas described above. The agendas, sign-in sheets, calendars, etc. are managed and maintained by Special Education Administration.

Monitoring the Use of Restrictive Procedures at Cologne Academy

Procedures When a Restrictive Procedure is Used

1. **Parent Notification:** School staff will make reasonable efforts to notify the parent on the same day a restrictive procedure is used. If the school is unable to provide same-day notice, notice is sent to the parent by written or electronic means (e-mail) within two (2) days of the procedure being used.
2. **Reporting Use of Restrictive Procedure:** Either the staff person who implemented the restrictive procedure or the staff person who oversaw the use of a restrictive procedure shall inform the executive director and the assistant special education director of the use of the restrictive procedure as soon as possible and shall complete the restrictive procedures report form no later than the next working day (form found in SpEd Forms). The restrictive procedures report form must include:
 - a. a description of the incident that led to the use of the restrictive procedure;
 - b. a description of why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
 - c. the time the restrictive procedure began and the time the student was released from the hold; and
 - d. a brief record of the student's behavioral and physical status during and after the use of the restrictive procedure.
3. **Staff Debriefing after Using a Restrictive Procedure:** The staff involved in using the restrictive procedure are required to debrief after every use of a restrictive procedure. This debriefing includes completing and discussing the requirements outlined on the debriefing form found in SpEd Forms. Special education administration and one of the staff NVCPI trainers will be involved in all debriefing meetings.
4. **Including Plan for Use of a Restrictive Procedure in Student's IEP:** A student's IEP team may include a plan for using a restrictive procedure in the student's IEP but may only use the restrictive procedure in situations that constitute an emergency. If a plan is included in the student's IEP, the IEP must also indicate how the parent wants to be notified when a restrictive procedure is used. The district must review use of restrictive procedures at a student's annual IEP meeting when the student's IEP provides for using restrictive procedures in an emergency. The possible use of a restrictive procedure is found in the Behavior Intervention Plan portion of the IEP.
5. **Use of Restrictive Procedure Twice in 30 Days:** If a restrictive procedure is used on two separate days within 30 calendar days or if a pattern of use of the restrictive procedure emerges and the student's IEP or behavior intervention plan does not provide for using restrictive procedures in an emergency, the district must hold an IEP meeting within ten (10) calendar days after district staff use the second restrictive procedure. This meeting can also be requested by the parent or the district after restrictive procedures have been used. At this meeting the team must:
 - a. review the student's Functional Behavior Assessment (FBA);

- b. review other data connected to the behavior(s) that prompted the use of the restrictive procedure;
- c. consider developing additional or revised positive behavioral interventions and supports;
- d. consider actions that could be taken to reduce the use of restrictive procedures;
- e. consider developing a Behavior Intervention Plan (BIP) or modifying an existing BIP or consider other revisions to the student's IEP;
- f. review any known medical or psychological limitations, including any medical information the parent provided voluntarily, that contraindicate the use of a restrictive procedure; and
- g. consider whether to prohibit a restrictive procedure and, if so, document any prohibition in the student's IEP.

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 10 or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the student; 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 student.

Who May Use Restrictive Procedures

Restrictive procedures may be used in emergency situations only by the designated staff listed below who have been properly trained in the skills and knowledge areas described in Minn. Stat. § 125A.0942, subd. 5, which are set out subsequently in this plan:

Based on NVCPI training principles, there are two types of physical interventions. The people who use each of the types will differ:

Type 1: Disengagement skills (a staff person getting themselves out of a physical contact, e.g., when the student pulls hair or grabs an arm). All NVCPI trained staff are prepared to use these skills.

Type 2: Physical restraint or use of a restrictive procedure – only NVCPI trained staff who have also been trained in proper use of physical holding can use Type 2. Those staff can include the following

- Licensed special education teacher
- School social worker
- School psychologist
- School counselor
- Other licensed education professionals (e.g., administrators, interventionists)
- Paraprofessional
- Behavior interventionists

District Oversight Committee

At least quarterly, the District will convene an oversight committee. The district will review the membership annually. Minimally, the oversight committee will include the following individuals:

- Special Education Director
- Executive Director and/or School Principals
- Special Education Teacher
- School Social Worker
- Non-Violent Crisis Prevention Trainer
- Special Education Assistant Director
- Lead Registered Behavior Technician
- Board Certified Behavior Analyst

The oversight committee will review the aggregate data on the use of restrictive procedures in the District. Included in this review will be:

- examination of patterns or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, the individuals involved, or other factors associated with the use of restrictive procedures;
- the number of times a restrictive procedure is used schoolwide and for individual children;
- the number and types of injuries, if any, resulting from the use of restrictive procedures;
- whether restrictive procedures are used in non-emergency situations;
- whether additional staff training on behavior interventions and restrictive procedures is needed;
- proposed actions to minimize the use of restrictive procedures;
- any disproportionate use of restrictive procedures based on race, gender, or disability status; and
- determine if standards for using restrictive procedures as described in MS 125A.0941 and MS 125A.0942 are met.

Summary of When an IEP Team Meeting is Required

1. When an emergency procedure is used twice in 30 days - within 10 days of the 2nd incident, whether the procedure is in the IEP or not.
2. If a pattern of use of the emergency procedure emerges, whether it is in the IEP or not.
3. If the procedure is used on 10 or more days during the year and the team must consider bringing in an expert or re-evaluate the student and conduct a new functional behavior assessment.
4. If the student 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 team must consider if the IEP is adequate or determine if additional evaluation is needed.