

Urban Academy Charter School
Restrictive Procedures

The state of Minnesota established standards regarding the use of Restrictive Procedures with students identified with disabilities in Minnesota public schools in Minnesota Statutes sections 125A.0941 and 125A.0942, with respect to the use of restrictive procedures on children with disabilities in Minnesota public schools went into effect.

Urban Academy Charter School is committed to using positive behavioral interventions and supports to ensure that all students' needs are being met. "Positive behavioral interventions and supports" means interventions and strategies to improve the school environment and teach children the skills to behave appropriately, including the key components under section [122A.627](#).

Minn. Stat. § 125A.0941(d)

Restrictive Procedures

Urban Academy Charter School intends to use only the following Restrictive Procedures:

Physical Holding:

Urban Academy Charter School intends to use the following types of physical holding:

- Crisis Prevention Institute's (CPI) Children's Control Position
- Crisis Prevention Institute's (CPI) Team Control Position

Minn. Stat. § 125A.0942, Subd. 1(1)

***Urban Academy Charter School does not use seclusion.**

Definitions:

Restrictive Procedures: "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)

Emergency: A situation where immediate intervention is needed to protect a student 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.0941(b)

Physical Holding: "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. 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.

Minn. Stat. § 125A.0941(c)

Urban Academy Charter School does not use prone restraint. "Prone restraint" means placing a child in a face down position.

Minn. Stat. § 125A.0941(e)

Seclusion*: "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.

Minn. Stat. § 125A.0941(g)

Monitoring the Use of Restrictive Procedures:

Urban Academy Charter School monitors and reviews the use of Restrictive Procedures in the following manner:

Documentation: 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.

Minn. Stat. § 125A.0942, Subd. 3(5)

Additional information regarding Restrictive Procedures can be found at the Minnesota Department of Education website at <https://education.mn.gov/MDE/dse/sped/restr/>.

Post-Use Debriefings: Each time physical holding is used, the staff person who implemented or oversaw the physical holding shall conduct a post-use debriefing with the staff involved, ideally within 24 hours, but no later than 48 hours after the incident concludes. The post-use debriefing will review the following requirements to ensure the physical holding was used appropriately:

- Whether the physical holding was used in an emergency.

- Whether the physical holding was the least intrusive intervention that effectively responds to the emergency.
- Whether the physical holding ended when the threat of harm ended and the staff determined that the student could safely return to the classroom or activity.
- Whether the staff directly observed the student while physical holding was being used.
- Whether the documentation was completed correctly.
- Whether the parents were correctly notified.
- Whether an IEP team meeting needs to be scheduled.
- Whether the appropriate staff used physical holding.
- Whether the staff that used physical holding was appropriately trained.

Minn. Stat. § 125A.0942, Subd. 1 (4)(i)

If the post-use debriefing determines that physical holding was not used appropriately, Urban Academy Charter School will ensure that immediate corrective action is taken, via review of statutes on Restrictive Procedures, mandating additional training or refresher training in area of infraction, formal reprimand or application of other formal disciplinary procedures.

Oversight Committee:

Urban Academy Charter School had identified 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 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 nonemergency situations;

the need for additional staff training;

and proposed actions to minimize the use of restrictive procedures

Minn. Stat. § 125A.0942, subd.1(4)(ii).

Schools annually must publicly identify oversight committee members who must at least include:

(1) A mental health professional, school psychologist, or school social worker

(2) An expert in positive behavior strategies

(3) A special education administrator

(4) A general education administrator

Minn. Stat. § 125A.0942, Subd. 1(b)

Urban Academy Charter School oversight committee meets quarterly. The committee consists of the following members:

School Administer: Mongsheer Ly

Special Education Director: Lisa Greenberg

Dean of Students: Tony Lang

Regular Education Staff: Joe Thompson
Special Education Teacher: Yuyin Liao

Staff Training

Urban Academy Charter School provide a range of tiered strategies as a proactive approach to teaching positive behaviors skills, thereby reducing students' challenging behaviors and the need for the use of restrictive procedures. Urban Academy Charter School maintains a list of trainings offered in the District each year in order to staff to meet the knowledge areas listed below, including Nonviolent Crisis Intervention and training on de-escalation techniques. The District will also maintain documentation of the staff members who attend those trainings.

Minn. Stat. § 125A.0942, Subd. 1(5)

Urban Academy Charter School staff will receive training in the following skills and knowledge areas during the 2020-21 school year:

Crisis Prevention Institute (CPI) Nonviolent Crisis Intervention

- Alternative to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior
- De-escalation methods
- Positive behavioral interventions
- Standards for using restrictive procedures only in an emergency
- Physiological and Psychological impact of physical holding and seclusion
- Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used

Urban Academy Charter School staff will receive training in the following skills and knowledge areas during the 2016-2017 school year:

Restrictive Procedures Documentation and Skills Training

- District policies and procedures for timely reporting and documenting each incident involving use of a restrictive procedure
- School-wide programs on positive behavior strategies
- Relationship building
- Communicative intent of behaviors
- Monitoring and responding to a child's physical signs of distress when physical holding is being used
- Obtaining emergency medical assistance

Minn. Stat. § 125A.0942, Subd. 1(3) and Subd.

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In order to be considered trained in the use of Restrictive Procedures, staff must complete training in:

- Nonviolent Crisis Intervention, developed by the Crisis Prevention Institute: 8 hours of initial training; 3-4 hour refresher training annually. Refresher Training Options Include:
- Restrictive Procedures Documentation and Skills Training

A master list of staff trained in the use of Restrictive Procedures will be maintained and updated quarterly.

Procedures to follow if a Restrictive Procedure is used:

1. Parent Notification: A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child, or if the school is unable to provide same-day notice, notice is sent within two days by written or electronic means or as otherwise indicated by the child's parent under paragraph (f).

Minn. Stat. § 125A.0942, Subd. 2(b)

2. Reporting of Use of Restrictive Procedure: Either the staff person who implements or the staff person who oversees the use of a restrictive procedure shall inform the building administrator of the use of the restrictive procedure as soon as possible and shall complete the online restrictive procedures form within two days (48 hours).

3. Staff Debriefing after Use of Restrictive Procedure: Staff involved in the use of the restrictive procedure are expected to debrief after every use of a restrictive procedure. This debriefing could occur during completion of the online restrictive procedures reporting form.

4. The district must hold a meeting of the individualized education program 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 individualized education program or behavior intervention plan 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 individualized education program or behavior intervention plan 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 individualized education program meeting when the child's individualized education program provides for using restrictive procedures in an emergency.

If the individualized education program team under paragraph (c) 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 individualized education program meeting under paragraph (c), the team must 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 individualized education program or behavior intervention plan.

An individualized education program team may plan for using restrictive procedures and may include these procedures in a child's individualized education program or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that

constitutes an emergency, consistent with this section. The individualized education program or behavior intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.

Minn. Stat. § 125A.0942, Subd. 2(c-f)

Prohibited Procedures

Urban Academy Charter School will never use the following prohibited procedures on a student:

- (1) engaging in conduct prohibited under section [121A.58](#);
- (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 as 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 and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the 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;
- (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section [626.556](#);
- (7) withholding regularly scheduled meals or water;
- (8) denying access to bathroom facilities;
- (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; and
- (10) prone restraint.

Minn. Stat. § 125A.0942, Subd. 4(1-10)

ADDENDUM A: Forms used by Urban Academy Charter School to Document the Use of Restrictive Procedures

Use of Restrictive Procedures: Physical Holding form. SpEd Forms

https://16.spedforms.org/_admin/reports/pdf_forms/PhysicalHoldBlank_2.pdf

Staff Debriefing Meeting form. SpEd Forms

https://15.spedforms.org/_admin/reports/pdf_forms/staff_debriefing.pdf

Physical Holding Annual Summary Form. Minnesota Department of Education

<https://education.mn.gov/MDE/dse/sped/restr/>

Quarterly Seclusion Reporting Form: Since Urban Academy Charter School does not use Seclusion. Minnesota Department of Education requires the district should send an email, including the district number and name, confirming no seclusion uses to MDE.RP-SeclusionReporting@state.mn.us.
. <https://education.mn.gov/MDE/dse/sped/restr/>