# Educational Learning Center (ELC)- Windom #991 Restrictive Procedures Plan with Legal Citations and Suggestions

| **Law** | **Model Restrictive Procedures Plan** |
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| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a) | Schools that intend to use restrictive procedures are required to maintain and make publicly accessible in an electronic format on a school or district Web site or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities. |
| Definition found at Minnesota Statutes, section 125A.0941(f) | 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. |
| Definition found at Minnesota Statutes, section 125A.0941(b) | An 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. |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 2(f) | Restrictive procedures may be used only in response to behavior that constitutes an emergency, even if written into a child’s IEP or BIP |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(1) | **I. ELC- Windom intends to use the following restrictive procedures:\*** |
| Definition found at Minnesota Statutes, section 125A.0941(c) | **A. Physical holding:**1. 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. |
| Definition found at Minnesota Statutes, section 125A.0941(c) | 2. 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; ord) Is needed to physically escort a child when the child does not resist or the child’s resistance is minimal.3. ELC- Windom intends to use the following types of physical holding*:*a) PCM- Vertical- 2 person and 3 personb) PCM- Supine- 3 person and 4 personc) PCM- Double Sunday Strolld) PCM- Double Wrist Tricep (child) |
| Definition found at Minnesota Statutes, section 125A.0941(g) | **B. Seclusion**1. Seclusion means confining a child alone in a room from which egress is barred.2. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room. |
| Definition found at Minnesota Statutes, section 125A.0941(g) | 3. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion. |
|  | 4. ELC- Windom intends to use the following rooms as rooms for seclusion*:*a) 103Bb) 111B |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(7)(i) | 5. Attached, as Appendix A, is written notice from local authorities that the rooms and the locking mechanisms comply with applicable building, fire, and safety codes, for each room ELC- Windom School uses as a room for seclusion. The written notice was received from *Tom Roessler, State Fire Marshal* on 12/3/20. |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(7)(ii) | 6. All rooms ELC- Windom uses as rooms for seclusion have been registered with the Minnesota Department of Education on 12/3/20*.* |
| Requirements found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6) | 7. Room #*103B* used as seclusion is:  |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(i)[[1]](#footnote-1) | a) *Room #103B measures 7 feet 1 inch by 8 feet 4 inches.* |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(ii)[[2]](#footnote-2) | b) Room #103B has an overhead light, is ventilated and is heated by the regular classroom. Staff who use Room #103B for seclusion will ensure the cleanliness of the room prior to and after each use. |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(iii)[[3]](#footnote-3) | c) Room #103B has a window in the door that measures 16” by 16”. When standing in front of the window, staff is able to see into the entire room. |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(iv)[[4]](#footnote-4) | d) *Room #103B is equipped with an automatic smoke detector, overhead light fixture, heating and ventilation fan, all of which are tamperproof. There are no electrical switches located near the the door outside of the room. The ceiling is secure.* |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(v)[[5]](#footnote-5) | e) Room #103B has a door that opens out. The door has a magnetic locking system that has immediate release mechanisms and is connected with a fire and emergency system.   |
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| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6) | 5. Attached, as Appendix A, is written notice from local authorities that the rooms and the locking mechanisms comply with applicable building, fire, and safety codes, for each room ELC- Windom School uses as a room for seclusion. The written notice was received from *Tom Roessler, State Fire Marshal* on 12/3/20. |

 |  7. Room #*111B* used as seclusion is: |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(i) | 1. Room #111B measures 8 feet 4 inches by 6 feet 9 inches
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| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(ii) | 1. Room #111B has an overheard light, is ventilated and is heated. Staff who use Room #111B for seclusion will ensure the cleanliness of the room prior to and after each use.
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| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(iii) | 1. Room #111B has a window in the door that measures 16” by 16”. When standing in front of the window, staff is able to see into the entire room.
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| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(iv) | 1. Room #111B is equipped with an automatic smoke detector, overhead light fixture, and ventilation fan, all of which are tamperproof. No electrical switches are located near the door outside of the room. The ceiling is secure.
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| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(v) | 1. Room #111B has a door that opens out. The door has a magnetic locking system that has immediate release mechanisms and is connected with a fire and emergency system.
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| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(vi) | 1. Staff will check Room #111B prior to use and after each use and immediately remove any objects that could be used to injure a child or others.
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| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(2) | **II. ELC- Windom will implement a range of positive behavior strategies and provide links to mental health services.** |
| Definition found at Minnesota Statutes, section 125A.0941(d) | **A. Positive behavioral interventions and supports means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.** |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(2)Encouragement found at Minnesota Statutes, section 125A.0942, Subdivision 6[[6]](#footnote-6) | **B. ELC- Windom implements the following positive behavior strategies***:*ELC- Windom utilizes a Positive Behavior Intervention System (PBIS). This system includes group and individual options. Some strategies are formal programs and some informal. Formal programs are listed below. Informal programs include STARR cards, breaks, and group/individual praise.Student Point Sheets/School Store:Students that attend Educational Learning Center- Windom are responsible for maintaining a Point Sheet upon their arrival each day. The goals and areas on which each individual student needs to work, as determined by the student’s IEP team, are listed at the top of each Point Sheet. The point sheets are reviewed and adjusted as needed at Quarterly Team Meetings. The class periods/student schedules are also listed on these sheets. Students are scored on a scale from 0 to 5 for each area of need for each 15 minutes per class period. There is space on the back for educators who were with the student each class period to comment upon the points provided or to list homework the student may have. Point Sheets are sent home daily with the student or e-mailed to the parent. At the end of each period, teachers provide students their point scores and discuss the scores with the students. Students can purchase items from the school store using their earned points as currency. The school store is open daily. Students can choose on their own to purchase something daily or to save up their points for a larger prize. Positive Behavior Replacement Strategies: At ELC- Windom, staff meets on a weekly basis with a Behavior Analyst (BA) to discuss individual students and identify positive replacement strategies to address behaviors that may be interrupting their education and/or resulting in restrictive procedures. One of the Behavior Analysts is at ELC- Windom daily to address concerns and assist staff with the needs of our students. We collaboratively work together to identify the purpose of a student’s challenging behavior. We also work together to determine a positive plan to address those behaviors and teach replacement behaviors that would be appropriate for the individual student that will meet each student’s needs. In creating these plans, we rely heavily on the expertise and recommendations of our BA. We also consider information that was provided at IEP and informal meetings by each student’s parent. These recommendations have included, but are not limited to: teaching appropriate alternative responses that serve the same purpose as the challenging behavior, consistently rewarding positive behaviors and minimizing the rewards for challenging behavior, and minimizing the physiological, environmental, and curricular elements that trigger challenging behavior.Social Skills Training (Interpersonal, Intrapersonal, and Individual Sessions):All students attending ELC- Windom receive Social and Emotional Learning Classroom instruction each day. The amount of Social Skills instruction varies on individual student needs. Classroom Instruction is held in a group with up to eight students. Students receive group skills daily. In addition, they receive individual sessions as needed. All students get Sensory Breaks throughout their day. Students work on Interpersonal and Intrapersonal skills, including learning to identify issues that are outside of their control and acceptable ways to react to frustrations, such as taking breaks, removing themselves from escalating situations, asking an adult for help when they feel overwhelmed, etc. In addition, students learn to provide adequate personal space between themselves and other students and the importance appropriate body language plays in these communications. In addition to the skill training discussed above. The following curriculum is also employed during Social Skills sessions: Boys Town Social Skills Curriculum:To the extent appropriate, we attempt to integrate the Boys Town Social Skills Curriculum at ELC Windom. The Boys Town teaching model emphasizes that children are human beings with unique characteristics and problems. It recognizes that students learn and develop skills differently. It also involves each child in the teaching and learning that occurs. Hence, a student isn’t merely told how to behave; he or she learns positive behaviors and how to choose to use them in many different situations. This “empowerment,” or self-help, approach teaches children prosocial skills and helps them build healthy relationships with others. We attempt to implement these same characteristics into our social skills training. Students at ELC- Windom are given instruction on basic social skills such as, accepting a compliment, accepting criticism, accepting an apology, how to follow directions, how to greet someone, etc., based on their unique skills and abilities. They then apply the skills they have learned within their school day in their classrooms and are encouraged to apply them in their homes and community. Consistent with the Boys Town philosophy, ELC- Windom Staff reinforce this skill development through techniques such as: Praise, Daily Point Sheets, Modeling, giving Verbal Cues, and Role-Playing. Social Stories:A Social Story is a written or visual guide describing various social interactions, situations, behaviors, skills or concepts. A Social Story describes a situation, skill, or concept in terms of relevant social cues, perspectives, and common responses in a specifically defined style and format. The goal of a Social Story is to share accurate social information with students. The School also employs social stories when educators believe them to be appropriate for an individual student. This determination is based on the specific characteristics of the student.The Incredible 5 Point Scale:ELC- Windom also implements the behavioral support known as the “Incredible 5-Point Scale,” created by Kari Dunn Buron and Mitzi Curtis (2003). This scale provides students with a visual representation of social behaviors, emotions, and abstract ideas that they can use to communicate their feelings to staff. It is a simple scale used to teach social understanding. The Incredible 5-Point Scale simplifies behaviors by assigning them a number and /or color. A scale is created for a specific individual or group of individuals and tailored for a specific situation or behavior. Individuals without disabilities or those with ASD or other disabilities often lack the social competence needed to cope in difficult situations. The Incredible 5-Point Scale is a behavioral support that breaks down behaviors and social interactions into clear, visual, and tangible pieces so that individuals can learn appropriate ways to respond and interact in difficult situations. A scale can be created using colors, pictures, or a rating system of 1 to 5.Go Green!:Staff within ELC-Windom implement a class wide management system called Go Green. This system identifies a set of classroom expectations that students are asked to follow. When following these expectations, students are on ‘green’. At random times throughout the day, Go Green parties occur. During those parties, any students that are on ‘green’ get access to reinforcement. Students who do not meet expectations are placed on ‘yellow’. Ongoing yellow behaviors or more severe behaviors place a student on ‘red’. Students must transition between colors by showing expectations for five minutes. Students on ‘red’ require a five minute transition to ‘yellow’ and another five minute transition back to ‘green’. Staff provide ongoing feedback on the student’s behaviors.Superflex/Unthinkables:Superflex is a Social Thinking Curriculum that provides educators a fun and motivating way to teach students with social and communication difficulties. The three part cognitive behavioral curriculum helps students to develop awareness of their own thinking and social behaviors and learn strategies to help them develop better self-regulation across a range of these behaviors. ELC- Windom often uses this curriculum during daily social skills instructional time.MindUP:In 15 comprehensive lessons, our curriculum scaffolds core academic programs, delivering a set of social, emotional and self-regulatory strategies and skills, developed for pre-K through middle school students. Published by Scholastic, Inc.The Zones of Regulation:The Zones of Regulation framework and curriculum teaches our students scaffolded skills toward developing a metacognitive pathway to build awareness of their feelings/internal state. This includes exploring tools and strategies for mindfulness, sensory integration, movement, thinking strategies, wellness, and healthy connection with others. The curriculum provides a common language and compassionate framework to support positive mental health and skill development for all, while serving as an inclusion strategy for neurodiverse learners, those who have experienced trauma, and/or specific needs in terms of social, emotional, and behavioral development. The Zones of Regulation creates a systematic approach to teach regulation by categorizing all the different ways we feel and states of alertness we experience into four colored zones. Students build skills in emotional and sensory regulation, executive functioning, and social cognition. The framework is designed to help move students toward more independent regulation while also honoring and respecting each student and their unique self. |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(2) | **C. ELC- Windom provides the following links to mental health services:**1. Woodland Centers – [www.woodlandcenters.com](http://www.woodlandcenters.com)
2. Greater MN Family – [www.greaterminnesota.org](http://www.greaterminnesota.org)
3. Western Mental Health – [www.wmcin.org](http://www.wmcin.org)
4. MN Association for Children’s Mental Health – [www.macmh.org](http://www.macmh.org)
5. Southwestern Mental Health – [www.usnodrugs.com/Minnesota/Worthington/Southwestern\_Mental\_Health\_Center](http://www.usnodrugs.com/Minnesota/Worthington/Southwestern_Mental_Health_Center)
6. Families may also contact the school personnel for assistance with obtaining mental health services: 507-831-6935
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| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(3); *See also*, Minnesota Statutes, section 122A.09, Subdivision 4(k) and Minnesota Rule 8710.0300 | **III. ELC- Windom will provide training on de-escalation techniques.** **A. ELC- Windom provides the following training on using positive behavior interventions** 1. PCM **B. ELC- Windom provides the following training on accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state’s graduation standards:** ER Writing Workshop; IEP Writing Workshop; LINKS; Effective Classroom Management; World’s Best Workforce; Social Emotional Learning Strategies; Visual Phonics; Kansas Learning Strategies; PECS; Specially Designed Instruction 101; |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(4) | **IV. ELC- Windom will monitor and review the use of restrictive procedures in the following manner:** |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(5) | **A. Documentation:**1. 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:a) A description of the incident that led to the physical holding or seclusion;b) Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;c) The time the physical holding or seclusion began and the time the child was released; and d) A brief record of the child’s behavioral and physical status. |
|  | 2. Attached, as Appendix B, is ELC- Windom’s forms used to document the use of physical holding or seclusion. |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(4)(i) | **B. Post-use debriefings, consistent with documentation requirements:**1. 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 the program administrator (if available), case manager, staff involved in the restrictive procedure, and other staff deemed necessary, within 2 school days after the incident concludes. |
|  | 2. The post-use debriefing will review the following requirements to ensure the physical holding or seclusion was used appropriately: |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)[[7]](#footnote-7) | a) Whether the physical holding or seclusion was used in an emergency. |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision. 3(a)(1)[[8]](#footnote-8) | b) Whether the physical holding or seclusion was the least intrusive intervention that effectively responds to the emergency. |
| Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(2)[[9]](#footnote-9) | c) Whether the physical holding or seclusion was used to discipline a noncompliant child. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 3(a)(3)[[10]](#footnote-10) | d) Whether the physical holding or seclusion ended when the threat of harm ended and the staff determined that the child could safely return to the classroom or activity. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 3(a)(4)[[11]](#footnote-11) | e) Whether the staff directly observed the child while physical holding or seclusion was being used. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 3(a)(5)[[12]](#footnote-12) | f) Whether the documentation was completed correctly. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 2(b)[[13]](#footnote-13) and Minn. § 125A.0942, Subdivision 2(f)[[14]](#footnote-14) | g) Whether the parents were properly notified. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 2(c)[[15]](#footnote-15) | h) Whether an IEP team meeting needs to be scheduled. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 2(a)[[16]](#footnote-16)  | i) Whether the appropriate staff used physical holding or seclusion. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 5 | j) *W*hether the staff that used physical holding or seclusion was appropriately trained. |
|  | 3. If the post-use debriefing determines the physical holding or seclusion was not used appropriately, ELC- Windom will ensure immediate corrective action is taken, such as retraining the staff that made the error and reviewing procedures with all staff. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 1(b)[[17]](#footnote-17) | **C. Oversight committee**1. ELC- Windom publicly identifies the following oversight committee members:a) Britany Johnson, school social workerb) Nicole Freichs, an expert in positive behavior interventionc) Kathryn Ralston, special education administrator c) Jim Lentz, general education administratord) Kelsey Harzler, dean/coordinator f) Tracy Johnson, counselor  |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 1(a)(4)(ii)[[18]](#footnote-18) | 2. ELC- Windom’s oversight committee meets quarterly. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision (1)(a)(4)(ii) | 3. ELC- Windom’s oversight committee will review the following*:*a) The use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of week, duration of the use of a restrictive procedure, the individuals involved, or other factors associated with the use of restrictive procedures;b) The number of times a restrictive procedure is used school wide and for individual children;c) The number and types of injuries, if any, resulting from the use of restrictive procedures;d) Whether restrictive procedures are used in nonemergency situations;e) The need for additional staff training; and f) Proposed actions to minimize the use of restrictive procedures. |
| Requirement found at Minn. Stat. § 125A.0942, Subdivision 1(a)(5) and Subdivision 5 | **V. ELC- Windom staff who use restrictive procedures, including paraprofessionals, received training in the following skills and knowledge areas:****A. Positive behavioral interventions**1. *PMC* 2. *See attached “Restrictive Procedures Training Form”***B. Communicative intent of behaviors**1. PMC 2. *See attached “Restrictive Procedures Training Form”* |
|  | **C. Relationship building**1. PMC 2. *See attached “Restrictive Procedures Training Form”* |
|  | **D. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior**1. PMC Training- Enhanced 2. *See attached “Restrictive Procedures Training Form”* |
|  | **E. De-Escalation methods**1. PMC 2. *See attached “Restrictive Procedures Training Form”* |
|  | **F. Standards for using restrictive procedures only in an emergency**1. PMC 2. *See attached “Restrictive Procedures Training Form”* |
|  | **G. Obtaining emergency medical assistance**1. PMC 2. *See attached “Restrictive Procedures Training Form”* |
|  | **H. The physiological and psychological impact of physical holding and seclusion**1. PMC 2. *See attached “Restrictive Procedures Training Form”* |
|  | **I. Monitoring and responding to a child’s physical signs of distress when physical holding is being used**1. PMC 2. *See attached “Restrictive Procedures Training Form”* |
|  | **J. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used**1. PMC 2. *See attached “Restrictive Procedures Training Form”* |
|  | **K. District policies and procedures for timely reporting and documenting each incident involving use of a restrictive procedure; and**1. PMC trainers will include training with power point on policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure. 2. *See attached “Restrictive Procedures Training Form”* |
|  | **L. Schoolwide programs on positive behavior strategies**1. PMC trainers will include training with power point on school-wide programs on positive behavior strategies.2. *See attached “Restrictive Procedures Training Form”* |
| Prohibitions found at Minn. Stat. § 125A.0942, Subdivision 4(1-9) | **VI. ELC- Windom will never use the following prohibited procedures on a child:** **A. Engaging in conduct prohibited under section 121A.58 (corporal punishment);****B. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;** **C. Totally or partially restricting a child’s senses as punishment;****D. Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;****E. 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;****F. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting of maltreatment of minors);****G. Withholding regularly scheduled meals or water;****H. Denying access to bathroom facilities; and****I. 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.** |

1. Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(i) requires the room to be at least six feet by five feet. [↑](#footnote-ref-1)
2. Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(ii) requires the room to be well lit, well ventilated, adequately heated, and clean. [↑](#footnote-ref-2)
3. Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(iii) requires the room to have a window that allows staff to directly observe a child in seclusion. [↑](#footnote-ref-3)
4. Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(iv) requires the room to have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings. [↑](#footnote-ref-4)
5. Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(v) requires the room to 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. [↑](#footnote-ref-5)
6. Minnesota Statutes, section 125A.0942, Subd, 6 encourages school districts to establish effective school-wide systems of positive behavior interventions and supports. [↑](#footnote-ref-6)
7. Minnesota Statutes, section 125A.0942, Subd. 3(a) requires that restrictive procedures only be used in response to behavior that constitutes an emergency. [↑](#footnote-ref-7)
8. Minn. Stat. § 125A.0942, Subd. 3(a)(1) requires physical holding or seclusion be the least restrictive intervention that effectively responds to the emergency. [↑](#footnote-ref-8)
9. Minn. Stat. § 125A.0942, Subd. 3(a)(2) requires physical holding or seclusion NOT be used to discipline a noncompliant child. [↑](#footnote-ref-9)
10. Minn. Stat. § 125A.0942, Subd. 3(a)(3) requires the physical holding or seclusion end when the threat of harm ends and the staff determines the child can safely return to the classroom or activity. [↑](#footnote-ref-10)
11. Minn. Stat. § 125A.0942, Subd. 3(a)(4) requires staff to directly observe the child while physical holding or seclusion is being used. [↑](#footnote-ref-11)
12. Minn. Stat. § 125A.0942, Subd. 3(a)(5) requires the staff person who implements or oversees the physical holding or seclusion to document, each time physical holding or seclusion is used, 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. [↑](#footnote-ref-12)
13. Minn. Stat. § 125A.0942, Subd. 2(b) requires a school to 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. [↑](#footnote-ref-13)
14. Minn. Stat. § 125A.0942, Subd. 2(f) provides that an IEP team may plan for using restrictive procedures and may include these procedures in a child’s IEP or BIP; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency. The IEP or BIP shall indicate how the parent wants to be notified when a restrictive procedure is used. [↑](#footnote-ref-14)
15. Minn. Stat. § 125A.0942, Subd. 2(c) requires the district to hold a meeting of the IEP team: 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. [↑](#footnote-ref-15)
16. Minn. Stat. § 125A.0942, Subd. 2(a) requires restrictive procedures only be used 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, or mental health professional, who has completed training. [↑](#footnote-ref-16)
17. Minn. Stat. § 125A.0942, Subd, 2(b) requires schools to annually 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; and (4) a general education administrator. [↑](#footnote-ref-17)
18. Minn. Stat. § 125A.0942, Subd. 1(a)(4)(ii) requires that an oversight convene to undertake a quarterly review of the use of restrictive procedures. [↑](#footnote-ref-18)