

**FLOODWOOD SCHOOL DISTRICT #698**  
**RESTRICTIVE PROCEDURES**

The Floodwood 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 Statutes 125A.094 and 125A.0942 with respect to Restrictive Procedures for Children with Disabilities.

**A. Definitions**

The following terms have the meanings given them.

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.0941 (b)
2. **“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, 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) 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. Minn. Stat. 125A.0941(d)
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. **“Seclusion”** means confining a child 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.)

6. **“CPI Team Control Position”** is a physical hold that is used to manage students who have become dangerous to themselves or others. Two staff hold the individual and additional members assess the student for signs of distress and take other safety measures as necessary.
7. **“CPI Children’s Control Position”** is a physical hold that is designed to be used with a student that is a head size or smaller than the adult. Additional members need to be present to assist the adult, monitor safety of the student and take other safety precautions as necessary.
8. **“CPI Transport Position”** is a physical hold that is an upright position that is used when the student is calm and needs to be moved to a safer place. Two staff assist with this position, one on either side of the student, with additional staff as needed.
9. **“CPI Interim Control Position”** is a physical hold that is a temporary, upright position that allows staff to maintain control of both of the individual’s arms for a short period of time. One staff is needed for this position; however, additional staff are necessary to monitor the student and assist with any other safety precautions.
10. **“Outcome of A Personal Safety Technique”** is a physical hold used when a student engages in a grab with peers/staff and the adult needs to immobilize a part of the student’s body to minimize damage to the student, peers and/or school staff.

## B. Personnel Development Activities

Personnel 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 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; and
12. Schoolwide programs on positive behavior strategies. Minn. Stat. 125A.0942, Subd. 5(a)(11) and (12)

## C. Staff Training 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 training, attendees, and training dates.

#### D. Restrictive Procedures and Prohibited Procedures

Restrictive procedures that may be used in emergency situation include seclusion and physical holding.

Prohibited procedures include the following:

1. Corporal Punishment which include 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 smell, taste, 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, 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;
9. Physical holding that restricts or impairs a student's ability to breathe; or
10. Use of tasers or threatened use of tasers.

#### E. Documentation Procedures

The use of restrictive procedures in emergency situations will be documented-using Appendix A and B and submitted to the Special Education Director and building Principal. The District will monitor and review the use of restrictive procedures, including conducting post-use debriefings and convening an oversight committee.

The use of restrictive procedures in behavioral intervention plans will be documented in the learner's file. Reviews will be conducted in accordance with the plan. In the case of a student with a disability, due process and documentation requirements will be followed. Record retention will be in accordance with administrative policies on student records.

#### F. Emergency Situations – Use of Restrictive Procedures

The Floodwood School District shall make reasonable efforts to notify the parent/guardian on the same day by phone 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.

District administration will receive written notification when restrictive procedures are used in emergency situations. Records will be reviewed quarterly.

## **PROTOCOL FOR USING PHYSICAL HOLDING**

Physical holding should only be used in an emergency. Notify parents the same day a restrictive intervention is used. Provide written or electronic notice within two days if unable to notify parents the same day. Staff must directly monitor the student to insure that the student is safe. End the intervention when the threat of harm ends and staff determine if the student can safely return to his/her routine activities, education setting, intervention, and/or site determined by the team, Positive Behavior Intervention and Support Plan (PBISP) and/or administrator.

Complete the **Critical Incident Form for Restrictive Procedures** (Appendix A-1 page) (see administration for a copy). Document the date, type of intervention, starting and ending time, and the location of the incident. If a physical hold is used, document the type of hold used. These following physical holds are the only ones adopted by the Floodwood School District #698: CPI Children's Control Position, CPI Team Control Position, CPI Transport Position, and CPI Interim Transport Position. Summarize the student's behavioral and physical status during the intervention. Record names of staff present and involved in the intervention. Record the removal of shoes, belt and contents of pockets. Provide an explanation if scheduled meals are delayed. Record the date and time of parent notification as well as who made the contact, and a brief summary of parent comments. Record if law enforcement was contacted regarding the incident, who called, and the outcome of the call.

Complete the **Critical Incident Form for Restrictive Procedures – Staff Debrief** (Appendix B-2 pages) (see administration for a copy). Document the attendees, date and time of debriefing. Note the person who is facilitating the debriefing and if the student is on an IEP and/or has a PBISP. Completely describe the incident, answering all the questions included on the form. Describe specific actions that both helped the situation and did not help the situation. Describe the procedure used to return the child to his/her routine activities. Note if the behavior is likely to occur again. Note if the PBISP was followed, and if not, what circumstances prevented it. Describe the action plan to assist the prevention of future incidents. Note if restrictive procedures have been used on two separate school days within the last 30 calendar days. If yes, note if an IEP meeting has been scheduled within 10 calendar days.

Provide a copy of the Critical Incident Forms (Appendix A and B) (see Administration for a copy) to the Special Education Director and the building principal and also place a copy in the student's special education file. The Director of Special Education, building Administrator, Special Education Coordinator, School Psychologist and as appropriate, ASD Consultant, special

education teacher, school mental health provider, will serve as the district oversight committee and will review all restrictive procedures quarterly.

If a restrictive intervention is used on two separate school days within 30 calendar days or when a pattern of behavior emerges, the district must hold a team meeting within 10 calendar days after the use of restrictive procedures. In the case of a nondisabled student, the team should develop an intervention plan. In the case of a student with a disability, the district must hold an IEP or 504 team meeting, conduct or review a functional behavioral analysis (FBA), review data, consider developing additional procedures, and modify the IEP, PBISP, or 504 plan. The district may use restrictive procedures in emergencies until the team meets, provided the emergency measures are deemed necessary by the district to protect the individual pupil or others from harm.

Before incorporating physical holding into the IEP or PBISP, the IEP team should insure that an FBA has been completed. The team should use the FBA information along with the present levels of performance, needs, goals, and objectives to develop a PBISP.

- (a) Include positive behavior supports, de-escalation procedures, instruction in appropriate behavior, and other preventative measures in the PBISP.
- (b) Document which restrictive procedure is being included and why it is the least restrictive effective intervention. The PBISP must identify the frequency and severity of target behaviors for which the regulated intervention is being considered; and anticipated criteria for returning the pupil to the routine activities and regular education environment if the intervention is used.
- (c) Document that the physical health and psychological assessments determined that seclusion is not contraindicated because of psychological or physical health reasons. The licensed school nurse can conduct the physical health assessment or review and the mental health facilitator can conduct the psychological assessment or review, restrictive procedure is used.
- (d) Document how the parent wants to be notified when a restrictive procedure is used.

Schools that intend to use restrictive procedures are required to maintain and make publicly accessible a restrictive procedures plan for children.

Restrictive procedures may be used only in response to behavior that constitutes an emergency, even if written into a child's individual education plan (IEP) or positive behavior intervention support plan (PBISP).

Standards for Physical Holding or Seclusion may NOT be used to discipline a non-compliant child. Minn. Stat. 125A.0492 Subd. 3(a)(2)

I. The Floodwood School District intends to use the following:

A. Physical holding restrictive procedure; with

B. these types of physical holdings:

- (a) CPI Children's Control Position
- (b) CPI Team Control Position
- (c) CPI Transport Position
- (d) CPI Interim Control Position

C. Floodwood School District has a policy of not using seclusion. The district has no seclusion rooms.

II. The Floodwood School District will implement a range of positive behavior strategies and provide links to mental health services in the following manner:

A. Positive behavioral interventions and supports

B. The Floodwood School District will train staff on positive behavior intervention supports (PBIS). Teachers will learn the foundational concepts and framework of PBIS and have a better understanding of what PBIS is and why it is important. Additionally, staff will be trained in effective office discipline procedures (SWIS System) and using data in a proactive manner. Floodwood School is a PBIS cohort.

C. The Floodwood School District provides the following links to mental health services:

- 1. St. Louis County Health and Human Services
- 2. Range Mental Health Center

III. The Floodwood School District will monitor and review the use of restrictive procedures in the following manner:

A. Documentation:

1. Each time physical holding is used, the staff person who implements or oversees the physical holding shall document, as soon as possible, but not to exceed more than 24 hours 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 A (see Administration for a copy) is the Floodwood School District form used to document the use of physical holding.

B. Post-use Debriefings, consistent with documentation requirements:

1. Each time physical holding is used, the staff person who implemented or oversaw the physical holding shall conduct a post-use debriefing with staff involved and

an administrator as soon as possible but not to exceed 24 hours, after the incident concludes.

2. The post-use debriefing will review the following requirements to ensure the physical holding was used appropriately:

- (a) Whether the physical hold was used only in an emergency.
- (b) Whether the physical hold was the least intrusive intervention that effectively responds to the emergency.
- (c) Whether the physical holding was used to discipline a noncompliant child.
- (d) Whether the physical holding ended when the threat of harm ended and the staff determined the child could safely return to the classroom or an alternative activity.
- (e) Whether the staff directly observed the child while physical holding was being used.
- (f) Whether the documentation was completed correctly.
- (g) Whether parents were correctly notified.
- (h) Whether an IEP team meeting needs to be scheduled. If yes, has it been scheduled.
- (i) Whether the appropriate staff used the physical holding.
- (j) Whether the staff that used the physical holding was appropriately trained.

3. If the post-use debriefing determines the physical holding was not used appropriately, the Floodwood School District will ensure immediate corrective action is taken, such as reviewing appropriate use of the procedure, appropriate application of the procedure and/or appropriate training of necessary staff.

C. Oversight committee:

1. The Floodwood School District publicly identifies the following oversight committee members:

- (a) Special Education Director
- (b) School Psychologist
- (c) General Education Administrator
- (e) Special Education Coordinator

2. The Floodwood School District oversight committee meets quarterly.

3. The Floodwood School District 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 the restrictive procedure, the individuals involved, or other factors;

- (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

IV. The Floodwood School District staff who use restrictive procedures, including educational assistants, receive training in the following skills and knowledge areas:

A. Positive behavioral interventions

- 1. CPI training entitled Nonviolent Crisis Intervention
- 2. Functional Behavior Assessment (FBA)/Positive Behavior Intervention Plans (BIP) in-service training
- 3. Documentation available upon request

B. Communicative intent of behaviors

- 1. CPI training entitled Nonviolent Crisis Intervention
- 2. Functional Behavior Assessment (FBA)/Positive Behavior Intervention Plans (BIP) in-service training
- 3. Documentation available upon request

C. Relationship building

- 1. CPI training entitled Nonviolent Crisis Intervention
- 2. Functional Behavior Assessment (FBA)/Positive Behavior Intervention Plans (BIP) in-service training
- 3. Documentation available upon request

D. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior

- 1. CPI training entitled Nonviolent Crisis Intervention
- 2. Documentation available upon request

E. De-Escalation methods

1. CPI training entitled Nonviolent Crisis Intervention
2. Functional Behavior Assessment (FBA)/Positive Behavior Intervention Plans (BIP) in-service training
3. Documentation available upon request

F. Standards for using restrictive procedures only in an emergency

1. CPI training entitled Nonviolent Crisis Intervention
2. Documentation available upon request

G. Obtaining emergency medical assistance

1. CPI training entitled Nonviolent Crisis Intervention
2. Documentation available upon request

H. The physiological and psychological impact of physical holding

1. CPI training entitled Nonviolent Crisis Intervention
2. Documentation available upon request

I. Monitoring and responding to a child's physical signs of distress when physical holding is being used

1. CPI training entitled Nonviolent Crisis Intervention
2. Documentation available upon request

J. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used

1. CPI training entitled Nonviolent Crisis Intervention
2. Documentation available upon request

K. District policies and procedures for timely reporting and documenting each incident involving use of a restrictive procedure

1. Floodwood School District #698 Restrictive Procedures Policies and Procedures, Critical Incident Forms Appendix A and B (see administration for a copy)
2. Documentation available upon request

L. School wide programs on positive behavior strategies

1. Informational handout on the strategies being implemented in each of the buildings in the district
2. Documentation available upon request

II. Floodwood School District is committed to using positive behavior intervention and supports.

A. Positive behavioral interventions and supports:

1. Positive behavioral interventions and supports mean interventions and strategies to improve the school environment and teach children the skills to behave appropriately to keep children safe.

B. The Floodwood School District 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, 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.