



Restrictive Procedures District Plan

The Minnesota Transitions Charter School Use of Restrictive Procedures Plan is developed in accordance with Minnesota Statute 125A.0942, Subd. 1, "Schools that intend to use restrictive procedures are required to maintain and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities".

"Restrictive procedures" means the use of physical holding or seclusion of children with disabilities in an emergency in Minnesota schools. **"Emergency"** means a situation where immediate intervention is needed to protect a child or other individual from physical injury. Restrictive procedures must not be used to punish or otherwise discipline a child. [Minnesota Statutes, section 125A.0941](#) and section [125A.0942](#), govern the use of restrictive procedures.

This plan includes the restrictive procedures the district intends to use; how the school will implement a range of positive behavior strategies and provide links to mental health services; how the school will monitor and review the use of restrictive procedures, including conducting post-use debriefings and convening an oversight committee; and written description and documentation of the training staff completed.

Minnesota Transitions Charter School uses restrictive procedures only in response to behavior(s) that constitutes an emergency, where no other non-physical interventions can successfully be used to de-escalate the situation and keep the student safe. .

Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, Nationally Board Certified Behavior Analyst (BCBA), a person with a master's degree in behavior analysis, other licensed education professional, paraprofessional (MINN. STAT. 120B363 (2016)), or mental health professional (MINN. STAT. 245.4871 Subd. 27 (2016)), who has completed the training outlined in this plan.

Minnesota State Laws / Prohibited Procedures

The following are the Minnesota laws that outline prohibited procedures and guidance regarding restrictive procedures. MTCS follows these guidelines and legal requirements when determining and implementing the use of restrictive procedures.

Minnesota Statutes, section 125A.0942

*There have been updates to these statutes, which include the following:

Minnesota Statutes, section 125A.0942 (Standards for Restrictive Procedures – applicable to students with disabilities):

- Clarifies the standards for the use of restrictive procedures apply to children with disabilities from birth until the child with a disability becomes 22 years old by adding **“individualized family service plan”** next to individualized education program throughout the statutory provision.
- Adds responsibilities to the oversight committee to quarterly review **“the use of restrictive procedures based on patterns or problems indicated by . . . any disproportionate use of restrictive procedures based on race, gender, or disability status; the role of the school resource officer or police in emergencies and the use of restrictive procedures; and documentation to determine if the standards for using restrictive procedures as described in sections 125A.0941 and 125A.0942 are met.”**
- Adds **“a brief description of the post-use debriefing that occurred as a result of the use of the physical hold or seclusion”** to the information required to be documented each time physical holding or seclusion is used.
- Prohibits **“the use of seclusion on children from birth through grade 3 by September 1, 2024.”**
- Clarifies the restrictive procedures reporting requirement for districts pertaining to children with disabilities by stating that **“[a]ny reasonable force used under sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person.”**
- Requires, **“[b]y February 1, 2024, the commissioner, in cooperation with stakeholders, [to] make recommendations to the legislature for urgently ending seclusion in Minnesota schools . . . [which] must include specific dates for ending seclusion by grade or facility . . . [and] must identify existing resources and the new resources necessary for staff capacity, staff training, children's supports, child mental health services, and schoolwide collaborative efforts.”**

Minnesota Statutes, section 121A.58 (Corporal Punishment – applicable to students with and without disabilities):

- Adds to the definitions **“‘prone restraint’ means placing a child in a face-down position.”**
- Prohibits the use of prone restraint and certain physical holds, stating that **“[a]n employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not use prone restraint . . . [and] shall not inflict any form of physical holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's ability to communicate distress; places pressure or weight on a pupil's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.”**
- Provides that **“[c]onduct that violates subdivision 2a is not per se corporal punishment under this statute. Nothing in this section or section 125A.0941 precludes the use of reasonable force under section 121A.582.”**

Minnesota Statutes, section 121A.582 (Student Discipline; Reasonable Force – applicable to students with and without disabilities):

- Amends the standard for when reasonable force may be used to “when it is necessary under the circumstances to correct or restrain a student **to prevent imminent** bodily harm or death to **the student or to another.**”
- Clarifies the restrictive procedures reporting requirement for districts pertaining to students with disabilities by stating that “**Districts must report data on their use of any reasonable force used on a student with a disability to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under section 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).**”
- Adds a new reporting requirement for districts pertaining to general education students that “**[b]eginning with the 2024-2025 school year, districts must report annually by July 15, in a form and manner determined by the commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under section 125A.0941, paragraph (c).**”

Prohibited Procedures:

The following actions or procedures are considered prohibited by Minnesota Statute. Prohibited actions or procedures will not be used on 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 chapter 260E;
- (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.

Nothing in this section precludes the use of reasonable force under Minnesota Statutes 121A.582; 609.06 subdivision 1; and 609.379.

Restrictive Procedures Definitions (MN Statutes 125A.0941)

- **Restrictive procedures:** the use of physical holding or seclusion in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child.
- **Emergency:** 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.
- **Physical holding:** 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 procedures; or
 4. is needed to physically escort a child when the child does not resist or the child's resistance is minimal.
- **Seclusion*:** means confining a child alone in a room from which egress is barred. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.
***Minnesota Transitions Charter School does not use seclusion.**
- **Mechanical restraint*:** the use of devices to limit a student's movement or hold a student immobile. The term does not mean mechanical restraints used to:
 1. treat a student's medical needs;
 2. protect a student known to be at risk of injury resulting from lack of coordination or frequent loss of consciousness; or
 3. position a student with physical disabilities in a manner specified in the student's plan of care.***Minnesota Transitions Charter School does not use mechanical restraint.**
- **Positive behavioral interventions and supports:** means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.
- **Prone restraint*:** means placing a child in a face down position.
***Minnesota Transitions Charter School does not use prone restraint.**
- **Functional behavioral assessment (FBA):** means a process for gathering information to maximize the efficiency of behavioral supports. FBA includes a description of problem behaviors and the identification of events, times, and situations that predict the occurrence and nonoccurrence of the behavior. An FBA also identifies the antecedents, consequences, and reinforcers that maintain the behavior, the possible functions of the behavior, and possible positive alternative behaviors. An FBA includes a variety of data collection methods and sources that facilitate the development of hypotheses and summary statements regarding behavioral patterns. (MINN. R. 3525.0210 (2017)).

Description and Documentation of Staff Training

Staff who use behavioral interventions will complete training in the use of positive behavior support, responsive feedback and classroom / behavior strategies, as well as restrictive procedures.

Minnesota Transitions Charter School staff members are trained and certified through the Crisis Prevention Intervention program (CPI) and receive refresher courses and training through the CPI program.

CPI addresses the state requirements for a restrictive procedure training program which includes training on:

- positive behavioral interventions
- communicative intent of behaviors
- relationship building
- alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior
- de-escalation methods
- standards for using restrictive procedures
- obtaining emergency medical assistance
- the physiological and psychological impact of physical holding
- monitoring and responding to a child's physical signs of distress when physical holding is being used
- recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used

A database of CPI trained staff is kept on file electronically within the district.

Annual training is provided to staff around positive behavior supports, responsive classroom, classroom management, trauma-informed school practices, and de-escalation strategies.

Physical Holding, Seclusion and Prohibited Procedures

Physical Holding

Physical holding as defined above, may only be used in an emergency as defined above. A program that uses physical holding shall meet the following requirements:

1. it is the least intrusive intervention that effectively responds to the emergency;
2. physical holding is not used to discipline a noncompliant child;
3. physical holding ends 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 child while physical holding is being used;
5. each time physical holding is used, the staff person who implements or oversees the physical holding documents, as soon as possible after the incident concludes, the following information:
 - a. a description of the incident that led to the physical holding;
 - b. why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
 - c. the time the physical holding began and the time the child was released; and a brief record of the child's behavioral and physical status

Minnesota Transitions Charter School uses only the techniques of physical holding taught through the certified CPI training program.

Seclusion

*Minnesota Transitions Charter School does not utilize seclusion.

Monitoring the Use of Restrictive Procedures

Minnesota Transitions Charter School's (MTCS) Director of Student Services and Board Certified Behavior Analyst will monitor and document the use of restrictive procedures through their direct and frequent contact with staff and school student support teams. When a restrictive procedure is used, the staff must immediately notify the Director of Student Services and the district Board Certified Behavior Analyst, collaborate to complete the documentation of the restrictive procedure, and follow the steps outlined in the district plan.

MTCS will make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child. If the school is unable to provide same-day notice, notice will be sent within two days by written or electronic means or as otherwise indicated by the child's parent.

Post-debriefing meetings will be held to review and complete the required documentation:

1. a description of the incident that led to the physical hold or seclusion;
2. why a less restrictive measure failed or was determined by the staff to be inappropriate or impractical;
3. the time the physical holding or seclusion began and the time the child was released; and
4. a brief record of the child's behavioral and physical status.

Team Response to the Use of Restrictive Procedures

When a restrictive procedure is used, a designated staff member will be identified to notify the parent/guardian on the same day, or if the school is unable to provide same-day notice, notice must be sent within two days by written or electronic means or as otherwise indicated by the child's parent/guardian.

Additionally, the team must follow the steps below to fully document the incident:

1. Document the parent/guardian notification in the child's communication log.
2. If the Restrictive Procedure was performed on a general education child, the district Board Certified Behavior Analyst will enter a note in Skyward under the child's Behavior tab indicating the following: "A Restrictive Procedure occurred on XX/XX/XXXX date. Please see the formal documentation in Sped Forms."
3. The team should complete (in collaboration with the district Board Certified Behavior Analyst) the Restrictive Procedures form within 24 hours of the incident. This form can be found under the child's name in Sped Forms.
4. The team must convene a meeting within 48 hours for a debriefing of the incident. Members of the debriefing meeting include: any individuals involved in the situation, a licensed staff member, and a neutral party. The neutral party must be trained in crisis management and de-escalation strategies, and preferably an individual not a member of the school team. The neutral party would facilitate the debriefing meeting.
5. Once the Restrictive Procedure Form and Restrictive Procedure Debriefing Form are completed, they should be saved, finalized, and maintained in Sped Forms under the child's "History" menu.

Additional Guidance - Children on an Individualized Education Program (IEP)

The IEP Team will meet within ten (10) calendar days after the use of a restrictive procedure on two separate school days within thirty (30) calendar days or a pattern of use emerges and the child's IEP or the behavior support plan (BSP) does not provide for using restrictive procedures in an emergency, or at the request of the parent.

The IEP team will conduct or review a functional behavior assessment (FBA), review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the IEP or BSP as appropriate. At this meeting the IEP team must review any known medical or psychological limitations that contraindicate the use of restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the IEP or BSP.

The IEP team must review the use of restrictive procedures at the student's annual IEP meeting when the student's IEP provides for using restrictive procedures in an emergency. The IEP or BSP shall indicate how the parent wants to be notified when a restrictive procedure is used.

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 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.

It is important to note that MTCS encourages IEP teams to meet as often as needed to ensure that the most appropriate programming and support is in place for each child. Whenever a restrictive procedure occurs, the IEP team should consider meeting to discuss the situation and the child's services.

District Oversight Committee and Resources

Minnesota Transitions Charter School shall convene an oversight committee to review quarterly the use of restrictive procedures based on patterns 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 program-wide 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. The district oversight committee also meets annually to review the use, implementation, and outcomes of the restrictive procedures plan to ensure its effectiveness, as well as, consider and discuss additional training or support needs for staff across school sites to promote positive school culture and relationships.

Minnesota Transitions Charter School Oversight Committee Members:

, General Education Administrator
Dora Powell, Board Certified Behavior Analyst
, Mental Health Professional
Erin Copeland, Special Education Administrator

Staff Support

The district's Director of Student Services and Board Certified Behavior Analyst will be responsible for the design, training, implementation, monitoring, and assessment of the district Restrictive Procedure Plan.

Restrictive Procedures:

Minnesota Department of Education; [Restrictive Procedures](#)

Mental Health Resources:

Minnesota Transitions Charter School (MTCS) mental health resources can be found on the MTCS website: <https://mtcs.org/special-services/mental-health-resources/>