

**ROLLINGSTONE COMMUNITY SCHOOL
POLICY 506
USE OF RESTRAINT POLICY**

Approved: 11/14/2022

Revised:

I. PURPOSE

This policy develops and makes publicly accessible a plan that discloses Rollingstone Community School's use of restrictive procedures with special education students.

II. POLICY STATEMENT

Rollingstone Community School uses restrictive procedures only in emergency situations.

- A. "Emergency" means a situation where immediate intervention is needed to protect the student or other individuals from physical injury.
- B. "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. Restrictive procedures must not be used to punish or otherwise discipline a child.

III. RESTRICTIVE PROCEDURES

A. Restrictive Procedures Used

The restrictive procedure that Rollingstone Community School staff may use in an emergency situation is physical holding. Physical holding is a physical intervention intended to hold a student immobile or limit a student's movement, where body contact is the only source of physical restraint, and where immobilization is used to effectively gain control of a student in order to protect a student or other individual from physical injury.

The physical holding must:

- a. be the least intrusive intervention that effectively responds to the emergency;
- b. not be used to discipline a non-compliant student;
- c. end when the threat of harm ends and the staff determines the child can safely return to the classroom or activity;
- d. be observed directly by staff while the physical holding is being used; and

- e. be documented as soon as possible after the incident concludes by the person who implemented the physical hold or oversaw the hold.

B. Restrictive Procedures **Not** Used

Rollingstone Community School does not use the restrictive procedures of:

- a. **Seclusion**: confining a student alone in a room from which egress is barred, including by an adult locking or closing the door in the room or preventing the student from leaving the room. Removing a student from an activity to a location where the student cannot participate in or observe the activity is not seclusion if the student is not confined alone in a room from which egress is barred.
- b. **Mechanical Restraint**: Physical holding does not include the application of mechanical restraints for bus transportation, sensory needs, or medical needs as these procedures are documented in the student's Individual Family Service Plan (IFSP) or Individual Education Program (IEP).

IV. POSITIVE BEHAVIOR STRATEGIES & MENTAL HEALTH SERVICES

Rollingstone Community School will only use physical holds in emergency situations. Rollingstone Community School staff will implement a range of positive behavior strategies as a proactive approach to teaching positive behavior skills to students, thereby reducing students exhibiting challenging behaviors and the need for the use of physical holds. These positive behavior strategies include redirection, correction, staff escort to breakout space, allow students to go to a safe place to relax/regroup, planned ignoring, conflict mediation, verbal de-escalation, process with staff, exit other peers, offer alternative activities, offer sensory tools, social stories, staff handoff, proximity control.

To obtain service or a referral to a mental health service provider, the family should contact their primary care clinic, physician, or insurance provider. A family can request links to mental health resources.

V. MONITOR & REVIEW OF RESTRICTIVE PROCEDURES

A. Who may use restrictive procedures?

Restrictive procedures may be used in emergency situations only by the following staff who have been properly trained in the skills and knowledge areas described in Minn. Stat. § 125A.0942, subd. 5, which are set out subsequently in this plan: licensed special education teachers, school social worker, Lead Teacher, other licensed education professional, paraprofessional, and behavior specialists as described in Minn. Stat. § 120B.363, and mental health professional covered by Minn. Stat. § 245.4871, subd. 27.

- B. **Reasonable Force**: According to Minn. Stat. §121A.582, a teacher or Lead Teacher, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily

harm or death to another. A school employee, school bus driver, or other agents of the school, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

C. Procedures to follow if a restrictive procedure is used:

- a. *Family Notification:* School staff shall make reasonable efforts to notify the parent or guardian on the same day a restrictive procedure is used on the student, or if the school is unable to provide same-day notice, notice is sent to the parent or guardian by written or electronic means within two days of the procedure being used or as otherwise indicated in the student's IEP.
- b. *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 Lead Teacher of the use of the restrictive procedure as soon as possible and shall complete the restrictive procedures report form no later than the next working day. The restrictive procedures report form must include:
 - i. a description of the incident that led to the use of the restrictive procedure;
 - ii. state why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
 - iii. state the time the restrictive procedure began and the time the student was released from the hold; and
 - iv. give a brief record of the student's behavioral and physical status during and after the use of the restrictive procedure.
- c. *Staff Debriefing after Use of Restrictive Procedure:* The Lead Teacher or his/her designee and the staff involved in the use of the restrictive procedure are expected to debrief after every use of a restrictive procedure. This debriefing could include completing and discussing the restrictive procedures reporting form.
- d. *Including Plan for Use of a Restrictive Procedure in Student's IEP:* A student's IEP team may include a plan for using a restrictive procedure in the student's IEP but may only use the restrictive procedure in situations that constitute an emergency. If a plan is included in the student's IEP, the IEP must also indicate how the parent wants to be notified when a restrictive procedure is used. Rollingstone Community School must review the use of restrictive procedures at a student's annual IEP meeting when the student's IEP provides for using restrictive procedures in an emergency.
- e. *Use of Restrictive Procedures on Two School Days in 30 Calendar Days:* If restrictive procedures are used on two separate school days within 30 calendar days or if a pattern of use of the restrictive procedure emerges and the student's IEP or behavior intervention plan does not provide for using restrictive procedures in an emergency; Rollingstone Community School must hold an IEP

meeting within ten calendar days after school staff uses the restrictive procedures on the second day. This meeting can also be requested by the parent or the school after restrictive procedures have been used. At this meeting the team must:

- i. review the student's Functional Behavior Assessment (FBA);
 - ii. review other data connected to the behavior(s) that prompted the use of the restrictive procedure;
 - iii. consider developing additional or revised positive behavioral interventions and supports;
 - iv. consider actions that could be taken to reduce the use of restrictive procedures;
 - v. consider developing a Behavior Intervention Plan (BIP) or modifying an existing BIP or consider other revisions to the student's IEP;
 - vi. review any known medical or psychological limitations, including any medical information the parent provided voluntarily, that contraindicate the use of a restrictive procedure; and
 - vii. consider whether to prohibit a restrictive procedure and, if so, document any prohibition in the student's IEP. If the IEP team determines that existing interventions and supports are ineffective in reducing the use of restrictive procedures or the school uses restrictive procedures on a child on 10 or more school days during the same school year, the team, as appropriate, either must consult with other professionals working with the student; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the student.
- f. *Oversight Committee*: At least quarterly, Rollingstone Community School will convene an oversight committee which will include the following individuals: Special Education Director, Special Education Coordinator or Supervisor, Lead Teacher, and Behavior Specialists. This oversight committee will review the aggregate data on the use of restrictive procedures in the school looking for: 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; at the number of times a restrictive procedure is used school-wide and for individual students; at the number and types of injuries, if any, resulting from the use of restrictive procedures; at whether restrictive procedures are used in non-emergency situations; at whether additional staff training on behavior interventions and restrictive procedures is needed; and at proposed actions to minimize the use of restrictive procedures.

D. Description of Staff Training

Staff members who use restrictive procedures shall complete training in the following skills and knowledge areas:

- a. positive behavior interventions;
- b. communicative intent of behaviors;
- c. relationship building;
- d. alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
- e. de-escalation methods;
- f. standards for using restrictive procedures only in an emergency;
- g. obtaining emergency medical assistance;
- h. the physiological and psychological impact of physical holding and seclusion;
- i. monitoring and responding to a student's physical signs of distress when physical holding is being used;
- j. recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;
- k. school policies and procedures for timely reporting and documenting each incident involving the use of a restricted procedure; and
- l. school-wide programs on positive behavior strategies.

Rollingstone Community School will keep a list of the trainings offered in the school each year to staff to meet the twelve skill and knowledge areas described above. The school will also keep documentation of the staff members who attend those trainings.

E. Prohibited Procedures

School staff members are prohibited from using the following actions or procedures:

- a. engaging in corporal punishment which is defined by Minnesota statute to be conducted involving:
 - i. hitting or spanking a person with or without an object; or
 - ii. unreasonable physical force that causes bodily harm or substantial emotional harm.
- b. requiring a student to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- c. totally or partially restricting a student'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 student's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the student's functioning, except when the temporary removal of the equipment or device is needed to prevent injury to the student or others or serious damage to the

equipment or device, in which case the equipment or device shall be returned to the student as soon as possible;

- f. interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse as those terms are defined in Minn. Stat. § 626.556;
- g. withholding regularly scheduled meals or water;
- h. denying access to bathroom facilities;
- i. physical holding that restricts or impairs a student's ability to breathe, restricts or impairs a student's ability to communicate distress, places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso; and
- j. prone restraints.

Nothing in this plan precludes the use of reasonable force as allowed under Minn. Stat. §§ 121A.582, 609.06, subd. 1, and 609.379.

Legal References:

- Minn. Stat. §§125A.094
- Minn. Stat. §§125A.0942
- Minn. Stat. §121A.582
- Minn. Stat. §§609.06, subd. 1
- Minn. Stat. §§609.379