



17267 Yale Street NW
Elk River, MN
763-595-1213
admin@threeriversmontessori.org

Three Rivers Montessori's Restrictive Procedures Plan

Restrictive Procedures

In August of 2011, the state of Minnesota established standards regarding the use of Restrictive Procedures with students identified with disabilities in Minnesota public schools. On July 1, 2013, and May 21, 2014, amendments to 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.

Three Rivers Montessori is committed to using positive behavioral interventions and supports to ensure that all students' needs are being met. Three Rivers Montessori utilizes positive behavioral interventions to enhance academic and social behavior outcomes for all students by emphasizing the use of data for informing decisions about the selection, implementation, and progress monitoring of evidence-based behavioral practices and organizing resources and systems to improve durable implementation fidelity.

Minn. Stat. 125A.0941(d)

Restrictive Procedures

Three Rivers Montessori intends to use only the following Restrictive Procedures: Physical Holding. Physical Holding will only be used if the student is at risk of injuring themselves or others.

Three Rivers Montessori 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)

Definitions:

Restrictive Procedures: The use of physical holding or seclusion in an emergency.

Restrictive procedures must not be used to punish or otherwise discipline a student.

Minn. Stat. § 125A.0941(f). (Amended, 2013?)

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 student 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;

- does not respond to a staff person's request unless failing to respond would result in physical injury to the student or other individual;
- has regained control after an emergency incident has already occurred and no threat of physical injury currently exists.

Minn. Stat. § 125A.0941(b). (Amended, 2013)

Physical Holding: Intending 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.

Minn. Stat. § 125A.0941(c). (Amended, 2013)

The term "*physical holding*" does not mean physical contact that:

- Helps a student respond or complete a task
- Assists a student without restricting the child's movement
- Is needed to administer an authorized health-related service or procedure
- Is needed to physically escort a student when the student does not resist or the student's resistance is minimal
- Physical holding may not be used to punish or otherwise discipline a student.

Minn. Stat. 125A.0941(f)

Three Rivers Montessori does not use prone restraint.

Seclusion*: Confining a student alone in a room from which egress is barred. Seclusion occurs when an adult closes or locks the door, leaving a student alone in the room or preventing the student from leaving the room.

Minn. Stat. § 125A.0941(g). (Amended, 2013)

The term seclusion does not mean removing a student from an activity to a location where the student cannot participate in or observe the activity.

Minn. Stat. 125A.0941(f)

*** Three Rivers Montessori does not use seclusion.**

Monitoring the Use of Restrictive Procedures:

Three Rivers Montessori monitors and reviews the use of Restrictive Procedures in the following manner:

Documentation: Each time physical holding is used with a student with disabilities, the staff person who implements or oversees the physical holding shall document, as soon as possible after the incident concludes but within 24 hours, the following information on the school district

online custom website:

- A description of the incident that led to the physical holding
- Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical
- The time the physical holding began and the time the student was released
- A brief record of the student's behavioral and physical status

Minn. Stat. 125A.0942, Subd. 1(2)

Additional information regarding Restrictive Procedures can be found at the Minnesota Department of Education website at

<http://education.state.mn.us/MDE/SchSup/ComplAssist/RestProc/>

Minn. Stat. 125A.0942, Subd. 1(2)

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.
Minn. Stat. 125A.0942, Subd. 3 8
- Whether the physical holding was the least intrusive intervention that effectively responds to the emergency.
Minn. Stat. 125A.0942, Subd 3(1)9
- 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.
Minn. Stat. 125A.0942, Subd. 3(2)10
- Whether the staff directly observed the student while physical holding was being used.
Minn. Stat. 125A.0942, Subd. 3(3)11
- Whether the documentation was completed correctly.
Minn. Stat. 125A.0942, Subd. 3(4)
- Whether the parents were correctly notified.
Minn. Stat. 125A.0942, Subd. 2(b)12 and
Minn. Stat. 125A.0942, Subd. 2(d)13
- Whether an IEP team meeting needs to be scheduled.
Minn. Stat. 125A.0942, Subd. 2(c)14
- Whether the appropriate staff used physical holding.

Minn. Stat. 125A.0942, Subd. 2(a)

- Whether the staff that used physical holding was appropriately trained.
Minn. Stat. 125A.0942, Subd.

If the post-use debriefing determines that physical holding was not used appropriately, **Three Rivers Montessori** 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:

Three Rivers Montessori has 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 school-wide and for individual students; the number and type 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; and includes a written description and documentation of the training staff completed under subdivision 5.

Minn. Stat. § 125A.0942, subd. 1(a).

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)

Three Rivers Montessori oversight committee meets quarterly. The committee consists of the following members:

- School Administrator: Paula Henry
- Special Education Director: Lisa Greenberg
- School Social Worker: Breanna Cox
- School Expert in Positive Behavior Strategies: Brittany Stroman

Staff Training

Three Rivers Montessori provides 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. **Three Rivers Montessori** maintains a list of training

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.

Three Rivers Montessori staff will receive training in the following skills and knowledge areas:

Crisis Prevention Institute (CPI) Nonviolent Crisis Intervention

- Alternative to Restrictive Procedures, including techniques to identify events and environmental factors that may escalate behaviors
- De-escalation Methods
- Positive Behavioral Interventions
- Standards for Using Restrictive Procedures
- 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

Three Rivers Montessori staff will receive training in the following skills and knowledge areas:

Restrictive Procedures Documentation and Skills Training

- District Policies and Procedures for Timely Reporting and Documenting Each Incident Involving Uses 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. 5

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: School staff shall make reasonable efforts to notify the parent 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 by written or electronic means within two days (48 hours) of the procedure being used or as otherwise indicated in the student's IEP.

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). The restrictive procedures report form must include:

- a description of the incident that led to the use of the restrictive procedure;
- state why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
- state the time the restrictive procedure began and the time the student was released from the hold; and
- give a brief record of the student's behavioral and physical status during and after the use of the restrictive procedure.

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. 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. The district must review use of restrictive procedures at a student's annual IEP meeting when the student's IEP provides for using restrictive procedures in an emergency.

5. Use of Restrictive Procedure Twice in 30 Days: If a restrictive procedure is used on two separate 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, the district must hold an IEP meeting within ten calendar days after district staff use the second restrictive procedure. The parent or the district may call this meeting after restrictive procedures have been used. At this meeting the team must:

- Review the student's Functional Behavior Assessment (FBA);
- Review other data connected to the behavior(s) that prompted the use of the restrictive procedure;
- Consider developing additional or revised positive behavioral interventions and supports;
- Consider actions that could be taken to reduce the use of restrictive procedures;
- Consider developing a Behavior Intervention Plan (BIP) or modifying an existing BIP or consider other revisions to the student's IEP;
- Review any known medical or psychological limitations, including any medical information the parent provided voluntarily, that contraindicate the use of a restrictive procedure; and

- Consider whether to prohibit a restrictive procedure and, if so, document any prohibition in the student's IEP.

If the district uses restrictive procedures with a child on 10 or more cumulative school days during the same school year, the team, as appropriate, 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.

Link to mental health services: <https://www.mentalhealth.gov/>

Prohibited Procedures

Three Rivers Montessori will never use the following prohibited procedures on a student:

Minn. Stat. 125A.0942, Subd. 4(1-9)

- Engaging in conduct prohibited under section 121A.58 (corporal punishment).
- Requiring a student to assume and maintain a specified physical position, activity, or posture that induces physical pain.
- Totally or partially restricting a student's senses as punishment.
- Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment.
- Denying or restricting a student's access to equipment or devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the student's functioning, except when temporarily removing the equipment or device as needed to prevent injury to the student or others or serious property damage to the equipment or device, in which case the equipment or device shall be returned to the student as soon as possible.
- Interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting maltreatment of minors).
- Withholding regularly scheduled meals or water.
- Denying access to bathroom facilities.
- Physical holding that impairs a student's ability to breathe.

ADDENDUM A: Forms used by Three Rivers Montessori to Document the Use of Restrictive Procedures

Use of Restrictive Procedures: Physical Holding form. SpEd Forms

https://15.spedforms.org/admin/reports/pdf_forms/PhysicalHoldBlank.pdf

Staff Debriefing Meeting form. SpEd Forms

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

Use of Restrictive Procedures 2015-2016 District Summary Data form. Minnesota Department of Education

<file:///C:/Users/kathl/Downloads/Restrictive%20Procedures%20District%20Summary%20Data%20Form%20Ext%2015-16.pdf>

ADDENDUM B: Reasonable Force Standard (MN Statute 121A.582)

Subdivision 1. REASONABLE FORCE STANDARD.

(a) A teacher or school principal, 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.

(b) A school employee, school bus driver, or other agent of a district, 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) Paragraphs (a) and (b) do not authorize conduct prohibited under sections 121A.58 and 121A.67.

Subdivision 2. Civil liability.

(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a civil action for damages under section 123B.25.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a civil action for damages under section 123B.25.

Subdivision 3. Criminal prosecution.

(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a criminal prosecution under section 609.06, subdivision 1.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a criminal prosecution under section 609.06, subdivision 1.

Subdivision 4. Supplementary rights and defenses.

Any right or defense in this section is supplementary to those specified in section 121A.58, 121A.67, 123B.25, or 609.06, subdivision 1.

609.06 AUTHORIZED USE OF FORCE.

Subdivision 1. When authorized.

Except as otherwise provided in subdivision 2, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

(1) when used by a public officer or one assisting a public officer under the public officer's direction:

(a) in effecting a lawful arrest; or

(b) in the execution of legal process; or

(c) in enforcing an order of the court; or

(d) in executing any other duty imposed upon the public officer by law; or

(2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or

(3) when used by any person in resisting or aiding another to resist an offense against the person; or

(4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or

(5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or

(6) when used by a parent, guardian, teacher, or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or

(7) when used by a school employee or school bus driver, in the exercise of lawful authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or

(8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or

(9) when used to restrain a person who is mentally ill or mentally defective from self-injury or injury to another or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or

(10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person.

609.379 PERMITTED ACTIONS.

Subdivision 1. Reasonable force.

Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists, or the actor reasonably believes it to exist:

(a) when used by a parent, legal guardian, teacher, or other caretaker of a child or pupil, in the exercise of lawful authority, to restrain or correct the child or pupil; or

(b) when used by a teacher or other member of the instructional, support, or supervisory staff of a public or nonpublic school upon or toward a child when necessary to restrain the child from self-injury or injury to any other person or property.