Minnesota Department of Education

2012 Prone Restraint Legislation: A Summary

On April 2, 2012, Governor Dayton signed Minnesota Senate File No. 1917, which amended Minnesota Statutes, sections 125A.0941 and 125A.0942, with respect to the use of restrictive procedures on students with disabilities in Minnesota public schools. The amended changes went into effect April 3, 2012. Read the full text of Minnesota Senate File No. 1917.

Following is a list of amendments now in effect:

- The definition of "physical holding" was amended. "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 the child or other person from injury. Minn. Stat. § 125A.0941(c).
- The definition of "prone restraint" was added. "Prone restraint" means placing a child in a face down position. Minn. Stat. § 125A.0941(e).
- Prohibition against physical holding that restricts or impairs a child's ability to breathe was amended.

  > 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.

  Minn. Stat. § 125A.0942, Subd. (4)(9).
- An extension on the use of prone restraint was added. School districts may use prone restraint until August 1, 2013. Minn. Stat. § 125A.0942, Subd. 3(a)(7).
- A restriction on the use of prone restraint was added. Prone restraint may only be used on children age five or older. Minn. Stat. § 125A.0942, Subd. 3(a)(7).
- School district reporting requirements were amended.
  - School districts must report each incident of their use of prone restraint within five business days using the Prone Restraint Reporting Form provided by MDE. Minn. Stat. § 125A.0942, Subd. 3(a)(7)(iv).
  - School districts must report summary data to MDE by July 1, 2012, on the district's use of restrictive procedures during the 2011-2012 school year, including data on the number of incidents involving restrictive procedures, the total number of students on

which restrictive procedures were used, the number of resulting injuries, relevant demographic data on the students and school, and other relevant data collected by the district. Minn. Stat. § 125A.0942, Subd, 3(b).

- MDE reporting and data collection requirements were amended.
  - MDE must collect data on districts' use of prone restraint and publish the data in a readily accessible format on MDE's website on a quarterly basis. Minn. Stat. § 125A.0942, Subd. 3(a)(7)(v).
  - MDE must develop a statewide plan by February 1, 2013, to reduce districts' use of all restrictive procedures. Minn. Stat. § 125A.0942, Subd, 3(b).
  - MDE must convene interested stakeholders to develop the statewide plan and identify the need for technical assistance, including representatives of advocacy organizations, special education directors, intermediate school districts, school boards, day treatment providers, state human services department staff, mental health professionals and autism experts. Minn. Stat. § 125A.0942, Subd. 3(b).
  - MDE must report back to the legislature on the use of prone restraints in schools. Minn. Stat. § 125A.0942, Subd. 3(a)(7)(v).

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