

Model Restrictive Procedures Checklist

The Minnesota Department of Education (MDE) has developed a recommended model restrictive procedures checklist and forms for use by the education community. Districts and parents are not required to use this model checklist or forms. The purpose of the checklist and forms is to provide helpful guidance and a documentation model including the required data elements for compliance with special education restrictive procedure requirements.

This document contains information for the compliance review of the use of restrictive procedures – physical holding and seclusion. The purpose of the document is to verify compliance in the following areas:

- Seclusion - Health and safety standards and locking mechanisms.
- Physical Holding, Seclusion and Removal by Peace Officer – Procedures.
- Restrictive Procedures Plan and Training.

The state compliance requirements for restrictive procedures may be found at:

- Minnesota Statutes, section 125A.094.
- Minnesota Statutes, section 125A.0941.
- Minnesota Statutes, section 125A.0942.
- Minnesota Statutes, section 121A.67, Subdivision 2.
- Minnesota Rule 3525.0210, subpart 22.
- Minnesota Rule 3525.0850.
- Minnesota Rule 3525.2710, subpart 4(F).
- Minnesota Rule 3525.2810, subpart 2(B)(1).
- Minnesota State Fire Code; Minnesota Rule 7511.1008, subpart 3.
- Minnesota State Building Code; Minnesota Rule 1305.1008, subpart 8.

Activities MDE will conduct during an on-site review of restrictive procedures are outlined below. This is not an exhaustive list but serves to provide examples of where information for verification of compliance may be reviewed.

Area of Review	MDE Activities
Seclusion (Health and Safety Standards and Locking Mechanisms)	Inspection of seclusion rooms Review of documentation from local authorities on seclusion room meeting compliance with building, fire, and safety codes Registration of seclusion rooms with MDE
Physical Holding, Seclusion and Removal by Peace Officer (Procedures)	Review of student files: including IEP, FBA, BIP, Contact log Inspection of seclusion rooms
Restrictive Procedures Plan and Training	Review of restrictive procedures plan Review of records of staff who have been trained and review of documentation of the organization or professional that conducted the training Review of qualifications of staff using restrictive procedures

Seclusion: Health and Safety Standards and Locking Mechanisms

Minnesota Statutes, section 125A.0941(g)

“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 is not seclusion.

Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)

The room used for seclusion must: (i) be at least six feet by five feet; (ii) be well lit, well ventilated, adequately heated, and clean; (iii) have a window that allows staff to directly observe a child in seclusion; (iv) have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings; (v) have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and (vi) not contain objects that a child may use to injure the child or others.

Minnesota Statutes, section 125A.0942, Subdivision 3(a)(7)

Before using a room for seclusion, a school must: (i) receive written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes; and (ii) register the room with the commissioner, who may view that room.

State Fire Code (SFC), Minnesota Rule 7511.1008 subpart 3, State Building Code (SBC), and Minnesota Rule 1305.1008, subpart 8

1008.1.10 Special locking arrangements. Special locking arrangements meeting the requirements of sections 1008.1.10 through 1008.1.10.5 are permitted for rooms, other than cells, where the occupants are being restrained for safety or security reasons. The use of sections 1008.1.10 through 1008.1.10.5 may be revoked by the fire chief or building official for due cause.

1008.1.10.1 Locking hardware. Locking devices shall release upon any of the following conditions: (1) Activation of the automatic sprinkler system. (2) Activation of any automatic fire detection device. (3) Activation of an automatic fire alarm system. (4) Loss of electrical power to the locking device or the fire alarm system. (5) Activation of the fire alarm trouble signal. (6) Operation of a manual switch located in an approved location. All locking devices shall be designed to fail in the open position. Following the release of the locking devices for any of the conditions specified above in Items 1 through 6, relocking of the devices shall be by manual means only at the door.

1008.1.10.2 Fire Extinguishing system. When special locking arrangements are used, the room or area being secured must be protected with quick-response sprinklers.

1008.1.10.3 Fire alarm and detection. When special locking arrangements are used, the room or area and spaces between the room or area and an outside exit door shall be protected with automatic smoke detection connected to the building’s fire alarm system. If the walls of the room or area do not extend to the ceiling, automatic smoke detection can be provided in the adjacent room or area, provided that there are no substantial obstructions to delay activation of the smoke detection.

1008.1.10.4 Construction. Rooms or areas containing these special locking arrangements shall be constructed of noncombustible materials having a minimum of one-hour fire-resistive construction. Doors

separating the room from other spaces must swing with egress travel from the room and have a fire-protection rating of not less than 20 minutes. Doors need not be self-closing. The interior finish of the wall and ceiling surfaces must not exceed a Class III (or Class C) flame spread rating.

SFC 1008.1.10.5 Testing of Devices. Special locking arrangements shall be tested at least monthly to ensure that they will release under the conditions set forth in Sections 1008.1.10.1, Items 1-5. Locking arrangements which are found not to comply with the requirements of Sections 1008.1.10.1 through 1008.1.10.5 shall not be used.

SBC 1008.1.10.5 Location. The room or rooms shall be located on a floor that provides direct grade level access when located in buildings or portions thereof consisting of nonrated construction.

<p style="text-align: center;"><i>Requirements/Legal Citations: Seclusion, Health and Safety Standards and Locking Mechanisms Required to Meet Requirements</i></p>
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- **Before using the room for seclusion:**

- Receive **written notice from local authorities** that the room and the locking mechanisms comply with applicable building, fire, and safety codes (Minn. Stat. § 125A.0942, Subd. 3(a)(7)(i)).
- **Register the room with the commissioner** (Minn. Stat. § 125A.0942, Subd. 3(a)(7)(ii)).

Comments:

- **The room for seclusion must be/have:**

- **At least six feet by five feet** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(i)).
- **Well lit** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(ii)).
- **Well ventilated** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(ii)).
- **Adequately heated** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(ii)).
- **Clean** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(ii)).
- **Window** that allows staff to directly observe a child in seclusion (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(iii)).
- **Tamperproof fixtures** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(iv)).
- **Electrical switches located immediately outside the door** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(iv)).
- **Secure ceilings** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(iv)).
- **Doors that open out** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(v)).

- **Does not contain objects that a child may use to injure the child or others** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(vi)).

Comments:

- **The Locking Mechanism on the Room for Seclusion**

- **Unlocked** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(v)).
- **Locked with keyless locks that have immediate release mechanisms** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(v)).
- **Locked with locks that have immediate release mechanisms connected with a fire and emergency system** (Minn. Stat. § 125A.0942, Subd. 3(a)(6)(v)).
- **Locking devices shall release upon any of the following conditions:**
 - (1) Activation of the automatic sprinkler system,
 - (2) Activation of any automatic fire detection device,
 - (3) Activation of an automatic fire alarm system,
 - (4) Loss of electrical power to the locking device or the fire alarm system,
 - (5) Activation of the fire alarm trouble signal,
 - (6) Operation of a manual switch located in an approved location
- **If one of 1-6 is not met, the locking device shall not be used** (SFC Minn. R. 7511.1008, subp. 3; SBC Minn. R. 1305.1008, subp. 8).
- All locking devices shall be designed **to fail in the open position** (SFC Minn. R. 7511.1008, subp. 3; SBC Minn. R. 1305.1008, subp. 8).
- Following the release of the locking devices for any of the conditions specified above (1-6), **relocking of the device shall be by manual means only at the door** (SFC Minn. R. 7511.1008, subp. 3; SBC Minn. R. 1305.1008, subp. 8).
- If locking device is used, the room or area being secured must be protected with **quick-response sprinklers** (SFC Minn. R. 7511.1008, subp. 3; SBC Minn. R. 1305.1008, subp. 8).
- If locking device is used, the room or area and spaces between the room or area and an outside exit door shall be **protected with automatic smoke detection** connected to the building's fire alarm system (SFC Minn. R. 7511.1008, subp. 3; SBC Minn. R. 1305.1008, subp. 8).
- **If the walls of the room or area do not extend to the ceiling**, automatic smoke detection can be provided in the adjacent room or area, provided that there are no substantial obstructions to delay activation of the smoke detection (SFC Minn. R. 7511.1008, subp. 3; SBC Minn. R. 1305.1008, subp. 8).

- If locking device is used, the room or area shall be constructed of noncombustible materials having a minimum of **one-hour fire-resistive construction** (SFC Minn. R. 7511.1008, subp. 3; SBC Minn. R. 1305.1008, subp. 8).
- If locking device is used, the doors separating the room from other spaces shall **swing with egress travel from the room** and have a **fire-protection rating of not less than 20 minutes**. (Doors need not be self-closing.) (SFC Minn. R. 7511.1008, subp. 3; SBC Minn. R. 1305.1008, subp. 8).
- If locking device is used, the interior finish of the wall and ceiling **surfaces must not exceed a Class III (or Class C) flame spread rating** (SFC Minn. R. 7511.1008, subp. 3; SBC Minn. R. 1305.1008, subp. 8).
- Locking devices shall be **tested at least monthly** to ensure they release under the conditions 1-5 above. **(If one of 1-5 above is not met, the locking device shall not be used** (SFC Minn. R. 7511.1008, subp. 3).
- Room is located on a floor that provides **direct grade level access** when located in buildings or portions thereof consisting of nonrated construction (SBC Minn. R. 1305.1008, subp. 5).

Comments:

Physical Holding, Seclusion, and Removal by Peace Officer: Procedures

Minnesota Statutes, section 125A.0941(c)

“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 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 procedure; or 4) is needed to physically escort a child when the child does not resist or the child’s resistance is minimal.

Minnesota Statutes, section 125A.0941(g)

“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 Statutes, section 125A.0941(b)

“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.

Minnesota Statutes, section 125A.0941(f)

“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.

Minnesota Rule 3525.0210, subpart 22

“Functional behavioral assessment” or “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.

Minnesota Rule 3525.2710, subp. 4(F)

Prior to using any conditional procedure, the IEP team must conduct a functional behavioral assessment (FBA) as defined in part 3525.0210, subpart 22. The team must also document that it has ruled out any other treatable cause for the behavior, for example, a medical or health condition, for the interfering behavior.

Minnesota Rule 3525.2810, subp. 2(B)

The IEP team shall (1) in the case of a pupil whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions and supports to address that behavior.

Minnesota Statutes, section 125A.0942, Subdivision 2

(b) A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child, or if the school is unable to provide same-day notice, notice is sent within two days by written or electronic means or as otherwise indicated by the child’s parent under paragraph (f).

(c) The district must hold a meeting of the individualized education plan team, conduct or review a functional behavioral analysis, review data, consider developing additional or revised positive behavioral interventions and supports, consider actions to reduce the use of restrictive procedures, and modify the individualized education plan or behavior intervention plan as appropriate. The district must hold the meeting: within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child’s IEP or BIP does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child’s annual IEP meeting when the child’s IEP provides for using restrictive procedures in an emergency.

(d) 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.

(e) At the IEP meeting, the team must review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the IEP or BIP.

(f) An individualized education plan team may plan for using restrictive procedures and may include these procedures in a child's individualized education program or behavior intervention plan; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency, consistent with this section. The individualized education program or behavior intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.

Minnesota Statutes, section 125A.0942, Subdivision 3(a)

Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements: (1) physical holding or seclusion is the least intrusive intervention that effectively responds to the emergency; (2) physical holding or seclusion is not used to discipline a noncompliant child; (3) physical holding or seclusion 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 or seclusion is being used; (5) each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information: (1) a description of the incident that led to the physical holding or seclusion; (ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical; (iii) the time the physical holding or seclusion began and the time the child was released; and (iv) a brief record of the child's behavioral and physical status.

Minnesota Statutes, section 121A.67, Subdivision 2

If a pupil who has an individual education plan is restrained or removed from a classroom, school building, or school grounds by a peace officer at the request of a school administrator or a school staff person during the school day twice in a 30-day period, the pupil's individual education program team must meet to determine if the pupil's individual education plan is adequate or if additional evaluation is needed.

Requirements/Legal Citations: Physical Holding, Seclusion and Removal by Peace Officer Procedures

• **Emergency**

- A situation where immediate intervention is needed to **protect a child or other individual from physical injury** (Minn. Stat. § 125A.0941(b)).

Comments:

• **Physical Holding**

- Physical intervention intended to hold a child immobile or limit a child's movement (Minn. Stat. § 125A.0941(c)).
- Where **body contact is the only source of physical restraint** (Minn. Stat. § 125A.0941(c)).

- **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)).

Comments:

- **Seclusion**

- **Confining a child alone in a room** (Minn. Stat. § 125A.0941(g)).
- **From which egress is barred** (Minn. Stat. § 125A.0941(g)).
- **By an adult locking or closing the door in the room** (Minn. Stat. § 125A.0941(g)).
- **Preventing the child from leaving the room** (Minn. Stat. § 125A.0941(g)).
- Physical holding or seclusion is the **least intrusive intervention** that effectively responds to the emergency (Minn. Stat. § 125A.0942, Subd. 3(a)(1)).
- Physical holding or seclusion **is not used to discipline a noncompliant child** (Minn. Stat. § 125A.0942, Subd. 3(a)(2)).
- Physical holding or seclusion ends **when the threat of harm ends and staff determines that the child can safely return to the classroom or activity** (Minn. Stat. § 125A.0942, Subd. 3(a)(3)).
- **Staff directly observes the child** while physical holding or seclusion is being used (Minn. Stat. § 125A.0942, Subd. 3(a)(4)).
- Each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion **documents, as soon as possible after the incident concludes**, the following information:
 - (i) A description of the incident that led to the physical holding or seclusion;
 - (ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
 - (iii) the time the physical holding or seclusion began and the time the child was released; and
 - (iv) a brief record of the child's behavioral and physical status (Minn. Stat. § 125A.0942, Subd. 3(a)(5)).
- **School** shall make reasonable efforts to **notify the parent on the same day a restrictive procedure is used on the child** (Minn. Stat. § 125A.0942, Subd. 2(b)); or
- If the school is unable to provide same-day notice, **notice is sent within two days by written or electronic means** (Minn. Stat. § 125A.0942, Subd. 2(b)); or
- **as otherwise indicated by the child's parent under paragraph (f)** (Minn. Stat. § 125A.0942, Subd. 2(b)).

Comments:

- **When you answer yes to one or more below:**
 - **Within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days** (Minn. Stat. § 125A.0942, Subd. 2(c)); **or**
 - **A pattern emerges and the child’s IEP or BIP does not provide for using restrictive procedures in an emergency** (Minn. Stat. § 125A.0942, Subd. 2(c)); **or**
 - **At the request of a parent or the district after restrictive procedures are used** (Minn. Stat. § 125A.0942, Subd. 2(c)).

- **The district must:**
 - Hold a meeting of the IEP team BIP (Minn. Stat. § 125A.0942, Subd. 2(c));
 - Conduct or review a FBA (Minn. Stat. § 125A.0942, Subd. 2(c));
 - Review data (Minn. Stat. § 125A.0942, Subd. 2(c));
 - Consider developing additional or revised positive behavioral interventions and supports (Minn. Stat. § 125A.0942, Subd. 2(c));
 - Consider actions to reduce the use of restrictive procedures (Minn. Stat. § 125A.0942, Subd. 2(c));
 - Modify the IEP or BIP as appropriate (Minn. Stat. § 125A.0942, Subd. 2(c));
 - Review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure (Minn. Stat. § 125A.0942, Subd. 2(e));
 - Consider whether to prohibit that restrictive procedure (Minn. Stat. § 125A.0942, Subd. 2(e));
 - Document any prohibition in the IEP or BIP (Minn. Stat. § 125A.0942, Subd. 2(e)).

Comments:

- 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 (Minn. Stat. § 125A.0942, Subd. 2(d));
 - Consult with experts in behavior analysis, mental health, communication, or autism (Minn. Stat. § 125A.0942, Subd. 2(d));
 - Consult with culturally competent professionals (Minn. Stat. § 125A.0942, Subd. 2(d));
 - Review existing evaluations, resources, and successful strategies (Minn. Stat. § 125A.0942, Subd. 2(d)); or

- Consider whether to reevaluate the child (Minn. Stat. § 125A.0942, Subd. 2(d)).

Comments:

- **An IEP team may plan for using restrictive procedures and may include these procedures in a child's IEP or BIP; however,**
 - The restrictive procedures **may be used only in response to behavior that constitutes an emergency**, consistent with this section (Minn. Stat. § 125A.0942, Subd. 2(f));
 - The IEP or BIP shall indicate **how the parent wants to be notified** when a restrictive procedure is used (Minn. Stat. § 125A.0942, Subd. 2(f)).
 - The district must review use of restrictive procedures at a child's annual IEP meeting when the child's IEP provides for using restrictive procedures in an emergency (Minn. Stat. § 125A.0942, Subd. 2(c)).

Comments:

- **Functional behavior assessment** completed (Minn. R. 3525.2710, subp. 4(F)).

Comments:

- **FBA** includes:
 - **Description of problem behaviors** (Minn. R. 3525.0210, subp. 22).
 - Identification of **events, times, and situations** that predict the occurrence and nonoccurrence of the behavior (Minn. R. 3525.0210, subp. 22).
 - Identification of the **antecedents, consequences, and reinforcers** that maintain the behavior (Minn. R. 3525.0210, subp. 22).
 - Identification of the possible **functions of the behavior** (Minn. R. 3525.0210, subp. 22).
 - Identification of possible **positive alternative behaviors** (Minn. R. 3525.0210, subp. 22).
 - Inclusion of a **variety of data collection methods** and **sources that facilitate the development of hypotheses** and summary **statements regarding behavioral patterns** (Minn. R. 3525.0210, subp. 22).

Comments:

- IEP team has **ruled out any other treatable cause for the behavior** (for example, a medical or health condition, for the interfering behavior) (Minn. R. 3525.2710, subp 4(F)).

Comments:

- IEP team has considered strategies, including **positive behavioral interventions and supports to address that behavior** (Minn. R. 3525.2810, subp. 2(B)(1)).

Comments:

- **Removal by Peace Officer**
 - Pupil **restrained or removed from a classroom, school building, or school grounds by a peace officer** (Minn. Stat. § 121A.67, Subd. 2).
 - At the **request of a school administrator or a school staff person** (Minn. Stat. § 121A.67, Subd. 2).
 - **During the school day** (Minn. Stat. § 121A.67, Subd. 2).
 - **Twice in a 30-day period** (Minn. Stat. § 121A.67, Subd. 2).
 - Pupil's IEP team must meet to determine if the **pupil's IEP is adequate or if additional evaluation is needed** (Minn. Stat. § 121A.67, Subd. 2).

Comments:

Restrictive Procedures: Restrictive Procedures Plan and Training

Minnesota Statutes, section 125A.0942, Subdivision 1

(a) Schools that intend to use restrictive procedures shall maintain and make publicly accessible in an electronic format on a school or district Web site or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities that includes at least the following: (1) lists restrictive procedures the school intends to use; (2) describes how the school will implement a range of positive strategies and provide links to mental health services; (3) describes how the school will monitor and review the use of restrictive procedures, including (i) conducting post-use briefings consistent with the documentation requirements; and (ii) convening 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 schoolwide 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 nonemergency situations; the need for additional staff training; and proposed actions to minimize the use of restrictive procedures; and (4) includes a written description and documentation of the training staff completed under subdivision 5.

(b) 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; and (4) a general education administrator.

Minnesota Statutes, section 125A.0942, Subdivision 2(a)

Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, behavior analyst certified by the National Behavior Analyst Certification Board, a person with a master's degree in behavior analysis, other licensed education professional, paraprofessional under section 120B.363, or mental health professional under section 245.4871, subdivision 27, who has completed the training program under subdivision 5.

Minnesota Statutes, section 125A.0942, Subdivision 5

(a) To meet the requirements of subdivision 1, staff who use restrictive procedures shall complete training in the following skills and knowledge 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) the physiological and psychological impact of physical signs of distress when 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. (b) The district shall maintain records of staff who have been trained and the organization or professional that conducted the training.

Requirements/Legal Citations: Restrictive Procedures Plan and Training

- School maintains and makes publicly accessible in an electronic format on a school or district Web site or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities (Minn. Stat. § 125A.0942, Subd. 1(a)).

Comments:

- **The restrictive procedures plan:**
 - lists the restrictive procedures the school intends to use (Minn. Stat. § 125A.0942, Subd. 1(a)(1)).
 - describes how the school will implement a range of positive behavior strategies (Minn. Stat. § 125A.0942, Subd. 1(a)(2)).
 - provides links to mental health services (Minn. Stat. § 125A.0942, Subd. 1(a)(2)).
- Restrictive procedures plan describes **how the school will monitor and review the use of restrictive procedures**, including:
 - conducting post-use debriefings consistent with the documentation requirements (Minn. Stat. § 125A.0942, Subd. 1(a)(3)(i)); and

- convening 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 (Minn. Stat. § 125A.0942, Subd. 1(a)(3)(ii));
- the number of times a restrictive procedure is used schoolwide and for individual children (Minn. Stat. § 125A.0942, Subd. 1(a)(3)(ii));
- the number and types of injuries, if any, resulting from the use of restrictive procedures (Minn. Stat. § 125A.0942, Subd. 1(a)(3)(ii));
- whether restrictive procedures are used in nonemergency situations (Minn. Stat. § 125A.0942, Subd. 1(a)(3)(ii));
- the need for additional staff training (Minn. Stat. § 125A.0942, Subd. 1(a)(3)(ii)); and
- proposed actions to minimize the use of restrictive procedures (Minn. Stat. § 125A.0942, Subd. 1(a)(3)(ii)).

Comments:

- Restrictive procedures plan includes **written description and documentation of the training staff completed under subdivision 5** (Minn. Stat. § 125A.0942, Subd. 1(a)(4)).

Comments:

- Schools annually must publicly identify oversight committee members who must at least include:
 - a mental health professional, school psychologist, or school social worker (Minn. Stat. § 125A.0942, Subd.1(b)(1));
 - an expert in positive behavior strategies (Minn. Stat. § 125A.0942, Subd.1(b)(2));
 - a special education administrator (Minn. Stat. § 125A.0942, Subd.1(b)(3)); and
 - a general education administrator (Minn. Stat. § 125A.0942, Subd.1(b)(4)).

Comments:

- Staff who use restrictive procedures are:
 - a **licensed special education teacher** (Minn. Stat. § 125A.0942, Subd. 2(a));
 - **school social worker** (Minn. Stat. § 125A.0942, Subd. 2(a));

- **school psychologist** (Minn. Stat. § 125A.0942, Subd. 2(a));
- **behavior analyst** certified by the National Behavior Analyst Certification Board (Minn. Stat. § 125A.0942, Subd. 2(a));
- a **person with a master's degree in behavior analysis** (Minn. Stat. § 125A.0942, Subd. 2(a));
- other **licensed education professional, paraprofessional** under section 120B.363 (Minn. Stat. § 125A.0942, Subd. 2(a)); or
- **mental health professional** under section Minnesota Statutes, section 245.4871, Subdivision 27 (Minn. Stat. § 125A.0942, Subd. 2(a)).

Comments:

- Staff who use restrictive procedures have **completed the training program under subdivision 5** (Minn. Stat. § 125A.0942, Subd. 2(a)).
- **Training includes:**
 - positive behavioral interventions (Minn. Stat. § 125A.0942, Subd. 5(a)(1));
 - communicative intent of behaviors (Minn. Stat. § 125A.0942, Subd. 5(a)(2));
 - relationship building (Minn. Stat. § 125A.0942, Subd. 5(a)(3));
 - alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior (Minn. Stat. § 125A.0942, Subd. 5(a)(4));
 - de-escalation methods (Minn. Stat. § 125A.0942, Subd. 5(a)(5));
 - standards for using restrictive procedures only in an emergency (Minn. Stat. § 125A.0942, Subd. 5(a)(6));
 - obtaining emergency medical assistance (Minn. Stat. § 125A.0942, Subd. 5(a)(7));
 - the physiological and psychological impact of physical signs of distress when physical holding and seclusion (Minn. Stat. § 125A.0942, Subd. 5(a)(8));
 - monitoring and responding to a child's physical signs of distress when physical holding is being used (Minn. Stat. § 125A.0942, Subd. 5(a)(9));
 - recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used (Minn. Stat. § 125A.0942, Subd. 5(a)(10));
 - district policies and procedures for timely reporting and documenting each incident involving use of a restrictive procedure (Minn. Stat. § 125A.0942, Subd. 5(a)(11)); and
 - schoolwide programs on positive behavior strategies (Minn. Stat. § 125A.0942, Subd. 5(a)(12)).

Comments:

- **Description/Program**

- District shall **maintain records of staff who have been trained** and the **organization or professional that conducted the training** (Minn. Stat. § 125A.0942, Subd. 5(b)).

Comments: