

## Sherburne and Northern Wright Special Education Cooperative (SNWSEC)

### Restrictive Procedures Plan with Legal Citations

Law	Restrictive Procedures Plan
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)	Schools that intend to use restrictive procedures are required to 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.
Definition found at 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.
Definition found at Minnesota Statutes, section 125A.0941(b)	An 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.
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 2(f)	Restrictive procedures may be used only in response to behavior that constitutes an emergency, even if written into a child's IEP or BIP
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(1)	<p><b>I. SNWSEC and member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) intend on using following restrictive procedures:</b></p> <p style="padding-left: 40px;"><b>A. Physical holding</b></p>
Definition found at Minnesota Statutes, section 125A.0941(c)	<p><b>A. Physical holding:</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> </ol>

Law	Restrictive Procedures Plan
Definition found at Minnesota Statutes, section 125A.0941(c)	<ol style="list-style-type: none"> <li>2. The term physical holding does not mean physical contact that:               <ol style="list-style-type: none"> <li>a) Helps a child respond or complete a task;</li> <li>b) Assists a child without restricting the child's movement;</li> <li>c) Is needed to administer an authorized health-related service or procedure; or</li> <li>d) Is needed to physically escort a child when the child does not resist or the child's resistance is minimal.</li> </ol> </li> <li>3. SNWSEC and member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) intend to use the following types of physical holding:               <ol style="list-style-type: none"> <li>a) Team Control Position</li> <li>b) Children's Control Position</li> </ol> </li> </ol>
Definition found at Minnesota Statutes, section 125A.0941(g)	<p><b>B. Seclusion</b></p> <ol style="list-style-type: none"> <li>1. Seclusion means confining a child alone in a room from which egress is barred.</li> <li>2. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room.</li> </ol>
Definition found at Minnesota Statutes, section 125A.0941(g)	<ol style="list-style-type: none"> <li>3. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.</li> </ol>
	<ol style="list-style-type: none"> <li>4. SNWSEC and member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) do not intend to use any rooms for seclusion.</li> </ol>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(7)(i)	<ol style="list-style-type: none"> <li>5. Attached, as Appendix A, is written notice from local authorities that the rooms and the locking mechanisms comply with applicable building, fire, and safety codes, for rooms used as a room for seclusion.  *This does not apply to SNWSEC or member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) because there are no rooms used for seclusion.</li> </ol>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(7)(ii)	<ol style="list-style-type: none"> <li>6. Schools that use as rooms for seclusion must register the rooms with the Minnesota Department of Education.  *This does not apply to SNWSEC or member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) because there are no rooms used for seclusion.</li> </ol>

Law	Restrictive Procedures Plan
Requirements found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)	<p>7. Room used as seclusion is:</p> <p>*This does not apply to SNWSEC or member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) because there are no rooms used for seclusion.</p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(i) <sup>1</sup>	<p>a) <i>measurement of the room:</i></p> <p>*This does not apply to SNWSEC or member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) because there are no rooms used for seclusion.</p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(ii) <sup>2</sup>	<p>b) <i>Description of the lighting, ventilation and heating. Also, how school is going to ensure the room is kept clean after each use:</i></p> <p>*This does not apply to SNWSEC or member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) because there are no rooms used for seclusion.</p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(iii) <sup>3</sup>	<p>c) <i>Description of the window indicating that it is adequate for staff to directly observe a child in the room:</i></p> <p>*This does not apply to SNWSEC or member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) because there are no rooms used for seclusion.</p>

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<sup>1</sup> Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(i) requires the room to be at least six feet by five feet.

<sup>2</sup> Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(ii) requires the room to be well lit, well ventilated, adequately heated, and clean.

<sup>3</sup> Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(iii) requires the room to have a window that allows staff to directly observe a child in seclusion.

Law	Restrictive Procedures Plan
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(iv) <sup>4</sup>	<p>d) <i>Description of the fixtures located in the room indicating that they are tamperproof. Also included are the location of electrical switches and a description of the ceiling:</i></p> <p>*This does not apply to SNWSEC or member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) because there are no rooms used for seclusion.</p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(v) <sup>5</sup>	<p>e) <i>How the door to the room opens and whether the door has a locking mechanism, and if so, that the locking mechanism has immediate release mechanisms and is connected with a fire and emergency system:</i></p> <p>*This does not apply to SNWSEC or member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) because there are no rooms used for seclusion.</p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(vi) <sup>6</sup>	<p>f) <i>Description of how the school will ensure the room does not contain objects that a child may use to injure the child or others:</i></p> <p>*This does not apply to SNWSEC and member district schools (Becker, Big Lake, Monticello and St. Michael/Albertville) because there are no rooms used for seclusion.</p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(2)	<p><b>II. SNWSEC and member districts (Becker, Big Lake, Monticello and St. Michael/Albertville) will implement a range of positive behavior strategies and provide links to mental health services.</b></p>

<sup>4</sup> Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(iv) requires the room to have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings.

<sup>5</sup> Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(v) requires the room to 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.

<sup>6</sup> Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(vi) requires the room not to contain objects that a child may use to injure the child or others.

Law	Restrictive Procedures Plan
Definition found at Minnesota Statutes, section 125A.0941(d)	<b>A. Positive behavioral interventions and supports means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.</b>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(2)  Encouragement found at Minnesota Statutes, section 125A.0942, Subdivision 6 <sup>7</sup>	<b>B. SNWSEC and member districts (Becker, Big Lake, Monticello and St. Michael/Albertville) implement the following positive behavior strategies</b> <i>[list below your school's positive behavior strategies. Also include a description of your school's practices and plans which establish effective school-wide systems of PBIS, i.e., If ABC School has participated in the PBIS training at MDE, attach a copy of its most recent action plan, etc.]</i> :  <ol style="list-style-type: none"> <li>1. Hornet Way (Big Lake Elementary Schools)</li> <li>2. Hornet Pride (Big Lake Middle School)</li> <li>3. Our bodies are ready &amp; minds are SMART (Monticello Eastview)</li> <li>4. Panther Pride (Monticello Pinewood Elementary)</li> <li>4. Knight's Honor (St. Michael Middle School East)</li> <li>5. The Knight Way is the Right Way (STMA Fieldstone Elementary)</li> <li>6. Knight's Way Expectations (STMA Big Woods Elementary)</li> </ol>

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<sup>7</sup> Minnesota Statutes, section 125A.0942, Subd, 6 encourages school districts to establish effective school-wide systems of positive behavior interventions and supports.

Law	Restrictive Procedures Plan
<p>Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(2)</p>	<p><b>C. SNWSEC and member districts (Becker, Big Lake, Monticello and St. Michael/Albertville) provide the following links to mental health services.</b></p> <ol style="list-style-type: none"> <li>1. Sherburne County</li> <li>2. Wright County</li> <li>3. Central Minnesota Mental Health Center</li> <li>4. Centra Care</li> <li>5. Prairie Care</li> <li>6. Alina Health Care</li> <li>7. Accurate</li> <li>8. Fairview</li> <li>9. Catholic Charities</li> </ol>
<p>Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(3); <i>See also</i>, Minnesota Statutes, section 122A.09, Subdivision 4(k) and Minnesota Rule 8710.0300</p>	<p><b>III. SNWSEC and member districts (Becker, Big Lake, Monticello and St. Michael/Albertville) will provide training on de-escalation techniques.</b></p> <p><b>A. SNWSEC and member districts (Becker, Big Lake, Monticello and St. Michael/Albertville) provide the following training on using positive behavior interventions:</b></p> <p>Crisis Prevention Intervention</p>

Law	Restrictive Procedures Plan
<p>Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(4)</p>	<p><b>IV. SNWSEC and member districts (Becker, Big Lake, Monticello and St. Michael/Albertville) will monitor and review the use of restrictive procedures in the following manner:</b></p> <p>SNWSEC, Becker, Big Lake, Monticello and St. Michael Albertville districts all hold Oversight Committee meetings four times per year to review the following:</p> <ol style="list-style-type: none"> <li>a. Patterns or problems of physical holds indicated by similarities in time of day, day of the week, duration or the use individuals involved or other factors;</li> <li>b. Number of times a restrictive procedure is used school-wide;</li> <li>c. Number of times a restrictive procedure is used for individual children;</li> <li>d. Number and types of injuries;</li> <li>e. Use in nonemergency situations;</li> <li>f. Need for additional staff training;</li> <li>g. Proposed actions to minimize the use of restrictive procedures.</li> </ol>
<p>Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(5)</p>	<p><b>A. Documentation:</b></p> <ol style="list-style-type: none"> <li>1. 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: <ol style="list-style-type: none"> <li>a) A description of the incident that led to the physical holding or seclusion;</li> <li>b) Why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;</li> <li>c) The time the physical holding or seclusion began and the time the child was released; and</li> <li>d) A brief record of the child's behavioral and physical status.</li> </ol> </li> </ol>
	<ol style="list-style-type: none"> <li>2. Attached, as Appendix B, is ABC School's forms used to document the use of physical holding or seclusion. <p><i>*Attached is the school's physical holding and seclusion forms</i></p> </li> </ol>
<p>Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(4)(i)</p>	<p><b>B. Post-use debriefings, consistent with documentation requirements:</b></p> <ol style="list-style-type: none"> <li>1. Each time physical holding or seclusion is used, the staff person who implemented or oversaw the physical holding or seclusion shall conduct a post-use debriefing with the special education coordinator, principal, school psychologist or another party who was not involved in the restrictive procedure, within 24 hours after the incident concludes.</li> </ol>

Law	Restrictive Procedures Plan
	2. The post-use debriefing will review the following requirements to ensure the physical holding or seclusion was used appropriately:
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a) <sup>8</sup>	a) <i>Whether the physical holding or seclusion was used in an emergency.</i>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision. 3(a)(1) <sup>9</sup>	b) <i>Whether the physical holding or seclusion was the least intrusive intervention that effectively responds to the emergency.</i>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(2) <sup>10</sup>	c) <i>Description of the student and staff behavior during the incident.</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 3(a)(3) <sup>11</sup>	d) <i>Whether the physical holding or seclusion ended when the threat of harm ended.</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 3(a)(4) <sup>12</sup>	e) <i>Whether or not corrective action is needed.</i>

<sup>8</sup> Minnesota Statutes, section 125A.0942, Subd. 3(a) requires that restrictive procedures only be used in response to behavior that constitutes an emergency.

<sup>9</sup> Minn. Stat. § 125A.0942, Subd. 3(a)(1) requires physical holding or seclusion be the least restrictive intervention that effectively responds to the emergency.

<sup>10</sup> Minn. Stat. § 125A.0942, Subd. 3(a)(2) requires physical holding or seclusion NOT be used to discipline a noncompliant child.

<sup>11</sup> Minn. Stat. § 125A.0942, Subd. 3(a)(3) requires the physical holding or seclusion end when the threat of harm ends and the staff determines the child can safely return to the classroom or activity.

<sup>12</sup> Minn. Stat. § 125A.0942, Subd. 3(a)(4) requires staff to directly observe the child while physical holding or seclusion is being used.



Law	Restrictive Procedures Plan
Requirement found at Minn. Stat. § 125A.0942, Subdivision 3(a)(5) <sup>13</sup>	f) <i>Whether or not the behavior is likely to reoccur.</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 2(b) <sup>14</sup> and Minn. § 125A.0942, Subdivision 2(f) <sup>15</sup>	g) <i>Whether the parents were properly notified.</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 2(c) <sup>16</sup>	h) <i>Whether an IEP team meeting needs to be scheduled.</i>

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<sup>13</sup> Minn. Stat. § 125A.0942, Subd. 3(a)(5) requires the staff person who implements or oversees the physical holding or seclusion to document, each time physical holding or seclusion is used, 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.

<sup>14</sup> Minn. Stat. § 125A.0942, Subd. 2(b) requires a school to 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.

<sup>15</sup> Minn. Stat. § 125A.0942, Subd. 2(f) provides that 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. The IEP or BIP shall indicate how the parent wants to be notified when a restrictive procedure is used.

<sup>16</sup> Minn. Stat. § 125A.0942, Subd. 2(c) requires the district to hold a meeting of the IEP team: 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.

Law	Restrictive Procedures Plan
Requirement found at Minn. Stat. § 125A.0942, Subdivision 2(a) <sup>17</sup>	i) <i>Whether the appropriate staff used physical holding or seclusion.</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 5	j) <i>Whether the staff that used physical holding or seclusion was appropriately trained.</i>
	3. If the post-use debriefing determines the physical holding or seclusion was not used appropriately, SNWSEC and member school district (Becker, Big Lake, Monticello and St. Michael/Albertville) will follow the recommendations under Crisis Prevention Intervention training with staff member(s).

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<sup>17</sup> Minn. Stat. § 125A.0942, Subd. 2(a) requires restrictive procedures only be used 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, or mental health professional, who has completed training.

Requirement found at Minn. Stat. § 125A.0942, Subdivision 1(b)<sup>18</sup>

**C. Oversight committee**

1. SNWSEC and member school district (Becker, Big Lake, Monticello and St. Michael/Albertville) publicly identifies the following oversight committee members:

SNWSEC/Monticello

Gabe Hackett-Principal

Eric Olson- Principal

Lana Talberg-Assistant Director of Special Education

Monica Lewis-Special Education Coordinator

John Weekley- Special Education Coordinator

Jeff Meierhofer- School Psychologist

Nathan Rowe-School Psychologist

Becker

Nancy Helmer-Principal

Sandy Logrono- Assistant Principal

Lana Talberg-Assistant Director of Special Education

Stephanie Loesch-Special Education Coordinator

Jennifer Weisenberger- School Psychologist

Jason Welch-School Psychologist

Big Lake

Caryl Gordy-Principal

Darren Kern- Principal

Lana Talberg-Assistant Director of Special Education

Rachel Kasper-Special Education Coordinator

Sara Fidler- School Psychologist

Lucas Gerber-School Psychologist

St. Michael/Albertville

Jennifer Kelly- Principal

Lee Brown- Principal

Lana Talberg- Assistant Director of Sped.

Kris Jenkins-Special Education Coord.

Ehrin Johnson-School Psychologist

Dawn Vo- School Psychologist

Law	Restrictive Procedures Plan
	<p>Including:</p> <ul style="list-style-type: none"> <li>a) A mental health professional, school psychologist, or school social worker;</li> <li>b) An expert in positive behavior intervention;</li> <li>c) A special education administrator;</li> <li>d) A general education administrator;</li> <li>e) Other;</li> <li>f) Other.</li> </ul>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 1(a)(4)(ii) <sup>19</sup>	2. SNWSEC and member district (Becker, Big Lake, Monticello and St. Michael/Albertville) oversight committees meets quarterly, including once in September, November, March and May
Requirement found at Minn. Stat. § 125A.0942, Subdivision (1)(a)(4)(ii)	<p>3. SNWSEC and member district (Becker, Big Lake, Monticello and St. Michael/Albertville) oversight committees will review the following:</p> <ul style="list-style-type: none"> <li>a) The use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of week, duration of the use of a restrictive procedure, the individuals involved, or other factors associated with the use of restrictive procedures;</li> <li>b) The number of times a restrictive procedure is used school wide and for individual children;</li> <li>c) The number and types of injuries, if any, resulting from the use of restrictive procedures;</li> <li>d) Whether restrictive procedures are used in nonemergency situations;</li> <li>e) The need for additional staff training; and</li> <li>f) Proposed actions to minimize the use of restrictive procedures.</li> </ul>

<sup>18</sup> Minn. Stat. § 125A.0942, Subd. 2(b) requires schools to annually 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.

<sup>19</sup> Minn. Stat. § 125A.0942, Subd. 1(a)(4)(ii) requires that an oversight convene to undertake a quarterly review of the use of restrictive procedures.

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Requirement found at Minn. Stat. § 125A.0942, Subdivision 1(a)(5) and Subdivision 5	<b>V. SNWSEC and member district (Becker, Big Lake, Monticello and St. Michael/Albertville staff who use restrictive procedures, including paraprofessionals, received training in the following skills and knowledge areas as instructed through Crisis Prevention Intervention training:</b> <b>A. Positive behavioral interventions</b> <b>B. Communicative intent of behaviors</b>
	<b>C. Relationship building</b>
	<b>D. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior</b>
	<b>E. De-Escalation methods</b>
	<b>F. Standards for using restrictive procedures only in an emergency</b>
	<b>G. Obtaining emergency medical assistance</b>
	<b>H. The physiological and psychological impact of physical holding and seclusion</b>
	<b>I. Monitoring and responding to a child's physical signs of distress when physical holding is being used</b>
	<b>J. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used</b>
	<b>K. District policies and procedures for timely reporting and documenting each incident involving use of a restrictive procedure; and</b>
	<b>L. Schoolwide programs on positive behavior strategies</b>

Law	Restrictive Procedures Plan
<p>Prohibitions found at Minn. Stat. § 125A.0942, Subdivision 4(1-9)</p>	<p><b>VI. SNWSEC and member districts (Big Lake, Becker, Monticello and St. Michael/Albertville) will never use the following prohibited procedures on a child:</b></p> <ul style="list-style-type: none"> <li><b>A. Engaging in conduct prohibited under section 121A.58 (corporal punishment);</b></li> <li><b>B. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;</b></li> <li><b>C. Totally or partially restricting a child’s senses as punishment;</b></li> <li><b>D. Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;</b></li> <li><b>E. 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;</b></li> <li><b>F. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting of maltreatment of minors);</b></li> <li><b>G. Withholding regularly scheduled meals or water;</b></li> <li><b>H. Denying access to bathroom facilities; and</b></li> <li><b>I. 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.</b></li> </ul>