



## **Gateway STEM Academy Restrictive Procedures Plan**

In compliance with the new Minnesota statutory provisions pertaining to physical holding and seclusion effective August 01, 2011, the following *Restrictive Procedures Plan* will be implemented by Gateway STEM Academy. The district plan is a publicly accessible procedures plan for children including:

- 1.) A list of restrictive procedures Gateway STEM Academy intends to use;
- 2.) A description of how the district will monitor and review the use of restrictive procedures, including conducting post--use debriefings and the establishment of an oversight committee designated to review all procedures and training;
- 3.) A written description and documentation of staff training in regard to positive behavior intervention supports and use of restrictive procedures.

*An electronic version or hard copy version of this plan can be requested by contacting Gateway STEM Academy at 952-206-4050. A copy of this restrictive procedures plan will also be made available on the Gateway STEM Academy website. For more information, contact Ed Fellows, Executive Director [fellowse@gatewaystemacademy.org](mailto:fellowse@gatewaystemacademy.org), 12119 16<sup>th</sup> Ave S., Burnsville, MN 55337*

<b>Minnesota Statute</b>	<b>Description</b>
Minn. Stat. §125A.0942, Subd. 1	Schools that intend to use restrictive procedures are required to maintain and make publicly accessible a restrictive procedures plan for children.
Minn. Stat. §125A.0941(f)	Restrictive procedures means the use of physical holding or seclusion in an emergency.
Minn. Stat. §125A.0941(b)	An emergency means a situation where immediate intervention is needed to protect a child or other individual from physical injury or to prevent serious property damage.
Minn. Stat. §125A.0942, Subd. 2(d)	Restrictive procedures may be used only in response to behavior that constitutes an emergency, even if written into a child's IEP or BIP.
Minn. Stat. §120B.363 & Minn. Stat. § 245.4871 Subd. 27	Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, National Behavioral Analyst Board certified behavior analyst, a person with a master's degree in behavior analysis, other licensed educational professional, paraprofessional, or mental health professional, who has completed the training outlined in this plan.

Physical holding: 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 procedures; or
4. is needed to physically escort a child when the child does not resist or the child's resistance is minimal.

Positive behavioral interventions and supports: means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.

Prone restraint: means placing a child in a face down position.

Functional behavioral assessment (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.

Prior to using any restrictive procedure, the IEP team must conduct a FBA. 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. (MINN. R. 3525.0210 (2016)).

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

I. **Gateway STEM Academy intends to use the following restrictive procedures:**

**Minn. Stat §125A.0942, Subd 1(1)**

A. *Physical Holding:*

1. Physical holding means physical intervention intended to hold a child immobile or limit a child's movement and 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)*

2. The term physical holding does not mean physical contact that:

- a. Helps a child respond or complete a task;
- b. Assists a child without restricting the child's movement;
- c. Is needed to administer an authorized health--related service or procedure;
- or
- d. Is needed to physically escort a child when the child does not resist or the child's resistance is minimal

*Minn. Stat. §125A.0941(c)*

3. Gateway STEM Academy intends to use the following types of physical holding:
  - a. Crisis Prevention Institute's (CPI) Children's Control Position
  - b. Crisis Prevention Institute's (CPI) Team Control Position
  - c. Crisis Prevention Institute's (CPI) Transport Position
  - d. Crisis Prevention Institute's (CPI) Interim Control Position

B. *Seclusion:*

1. Seclusion means confining a child alone in a room from which egress is barred.

*Minn. Stat. §125A.0941(g)*

2. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.

*Minn. Stat. §125A.0941(g)*

3. Gateway STEM Academy does not intend to use seclusion.

II. **Gateway STEM Academy will monitor and review the use of restrictive procedures in the following manner:**

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

A. *Documentation:*

1. Each time physical holding is used, the staff person who implements or oversees the physical holding shall document, as soon as possible after the incident concludes, but in not more than 24 hours, the following information:

- a. a description of the incident that led to the physical holding or seclusion;
- b. why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
- c. the time the physical holding began and the time the child was released; and
- d. a brief record of the child's behavioral and physical status;

*Minn. Stat. §125A.0942, Subd. 3(a)(4)*

- 2. Gateway STEM will use the form in Sp Ed Forms to document the use of physical holding.

*B. Post--use de-briefings:*

- 1. Each time physical holding is used, the staff person who implemented or oversaw the physical holding shall conduct a post--use debriefing within 2 days with the following:

- a. An Administrator and
- b. All staff involved in the physical holding.

*Minn. Stat. §125A.0942, Subd. 1(2)*

- 2. The post--use debriefing will review the following requirements to ensure the physical holding or seclusion was used appropriately:

- a. Whether the physical holding was used in an emergency

*Minn. Stat. §125A.0942, Subd. 3 (a)*

- b. Whether the physical holding was the least intrusive intervention that effectively responds to the emergency

*Minn. Stat. §125A.0942, Subd. 3(a)(1)*

- c. Whether the physical holding ended when the threat of harm ended and the staff determined that the child could safely return to the classroom or activity

*Minn. Stat. §125A.0942, Subd. 3(a)(2)*

- d. Whether the staff directly observed the child while physical holding or seclusion was being used

*Minn. Stat. §125A.0942, Subd. 3(a)(3)*

- e. Whether the documentation was completed correctly

*Minn. Stat. §125A.0942, Subd. 3(a)(4)*

- f. Whether the parents were correctly notified

*Minn. Stat §125A.0942, Subd. 2(b) and Minn. Stat §125A.0942, Subd. 2(d)*

- g. Whether an IEP team meeting needs to be scheduled

*Minn. Stat §125A.0942, Subd. 2(c)*

- h. Whether the appropriate staff used physical hold

*Minn. Stat §125A.0942, Subd. 2(a)*

- i. Whether the staff that used physical holding was appropriately trained

*Minn. Stat §125A.0942, Subd. 5*

3. If the post--use debriefing reveals that the use of physical holding was not used appropriately, Gateway STEM Academy will ensure immediate corrective action is taken.

### *C. IEP Team Response to the Use of Restrictive Procedures*

When a restrictive procedure is used, staff must notify the parent/guardian on the same day, or if the school is unable to provide same-day notice, notice must be sent within two days by written or electronic means or as otherwise indicated by the child's parent/guardian. The IEP or BSP must indicate how the parent/guardian wants to be notified when a restrictive procedure has been used, when the IEP Team has planned for use of restrictive procedures for a student.

1. Document the parent/guardian notification in the student's communication log.
2. The Restrictive procedures form must be completed within 24 hours of the incident.
3. Team must convene within 48 hours for a debriefing of the incident. Members of the debriefing meeting include: any individuals involved in the situation, a licensed staff member, and a neutral party. The neutral party must facilitate the debriefing meeting.
4. The completed Restrictive Procedure Form and Restrictive Procedure Debriefing Form will be uploaded by district staff and can be found in the special education due process forms system under "History".

The IEP Team will meet within ten (10) calendar days after a district staff use restrictive procedures on two separate school days within thirty (30) calendar days or a pattern of use emerges and the child's Individualized Education Plan (IEP) or behavior support plan (BSP) does not provide for using restrictive procedures in an emergency, or at the request of the parent.

The IEP team will conduct or review a functional behavior 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 IEP or BSP as appropriate. At this meeting the IEP team must review any known medical or psychological limitations that contraindicate the use of restrictive procedure, consider whether to prohibit that restrictive procedure, and document any prohibition in the IEP or BSP.

The IEP team must review the use of restrictive procedures at the student's annual IEP meeting when the student's IEP provides for using restrictive procedures in an emergency. The IEP or behavioral intervention plan shall indicate how the parent wants to be notified when a restrictive procedure is used.

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.

### *D. Oversight Committee*

4. Gateway STEM Academy oversight committee consists of the

following individuals:

- a. Special Education Administrator
  - b. General Education Administrator
  - c. E/BD licensed teacher or school social worker/school psychologist
  - d. Executive Director
5. Gateway STEM Academy oversight committee will meet quarterly.
6. Gateway STEM Academy oversight committee will monitor the following:
- a. Conduct a review of the use of restrictive procedures based on patterns or problems indicated by similarities in the time of the 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;
  - b. The number of times a restrictive procedure is used school--wide and for individual children;
  - c. The number and types of injuries, if any, resulting from the use of restrictive procedures;
  - d. Whether restrictive procedures are used in nonemergency situations;
  - e. The need for additional staff training;
  - f. Proposed actions to minimize the use of restrictive procedures
  - g. Document training staff have completed

**III. Gateway STEM Academy received training in the following skills and knowledge areas:**

***Minn. Stat. §125A.0942, Subd. 1(3) and Subd. 5***

Staff who design and use behavioral interventions will complete training in the use of positive feedback and strategies as well as restrictive procedures.

Gateway STEM academy staff members are initially certified through the Crisis Prevention Intervention program (CPI) and receive annual refreshers through the CPI program.

A database of CPI trained staff is kept on file electronically at Gateway STEM Academy.

**A. *Positive behavioral interventions***

1. CPI training entitled: Crisis Development Model
2. CPI training entitled: Verbal Intervention

**B. *Communicative intent of behaviors***

1. CPI training entitled Crisis Development Model
2. CPI training entitled: Nonverbal Behavior
3. CPI training entitled: Proxemics and Kinesics
4. CPI training entitled: Paraverbal Communication
5. CPI training entitled: Verbal Escalation Continuum

**C. *Relationship building***

1. CPI training entitled: Crisis Development Model,

2. CPI training entitled: Nonverbal Behavior,
3. CPI training entitled: Paraverbal Communication,
4. CPI training entitled: Precipitating Factors, Rational Detachment

*D. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior*

1. CPI training entitled: Crisis Development Model,
2. CPI training entitled: Nonverbal Behavior,
3. CPI training entitled: Paraverbal Communication,
4. CPI training entitled: Precipitating Factors, Rational Detachment

*E. De--Escalation methods*

1. CPI training entitled: Crisis Development Model
2. CPI training entitled: Postvention

*F. Standards for using restrictive procedures*

1. CPI training entitled: Personal Safety Techniques
2. CPI training entitled: Non--violent Crisis Intervention and Team Intervention

*G. Obtaining emergency medical assistance*

1. Gateway STEM Academy Process for Contacting Emergency Medical Assistance

*H. The physiological and psychological impact of physical holding and seclusion*

1. CPI training entitled: Non--violent Physical Crisis Intervention and Team Intervention
2. CPI training entitled: Postvention

*I. Monitoring and responding to a child's physical signs of distress when physical holding is being used*

1. CPI training entitled: Non--violent Physical Crisis Intervention and Team Intervention
2. CPI training entitled: Postvention

*J. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used*

1. CPI training entitled: Non--violent Physical Crisis Intervention and Team Intervention

**IV. Gateway STEM Academy is committed to using positive behavioral interventions and supports.**

*A. Positive behavioral interventions and supports:*

1. Positive behavioral interventions and supports means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.

V. **Gateway STEM Academy will never use the following prohibited procedures on a child:**

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

- A. Engaging in conduct prohibited under section 121A.58 (corporal punishment);
- B. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- C. Totally or partially restricting a child'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 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;
- 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);
- G. Withholding regularly scheduled meals or water;
- H. Denying access to bathroom facilities;
- 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; and
- J. Seclusion.

Nothing in this section precludes the use of reasonable force under Minnesota Statutes 121A.582; 609.06 subdivision 1; and 609.379.

***Mental Health Resources***

Gateway STEM Academy mental health resources can be found on the Gateway STEM Academy website.