

Revised: \_\_\_\_\_

## **NEW MILLENNIUM ACADEMY POLICY No. 516**

### **USE OF RESTRAINTS FOR STUDENTS**

#### **I. PURPOSE**

The purpose of this policy is to ensure that students and parents are aware of New Millennium Academy's plan regarding the use of physical restraint in school.

#### **II. POLICY STATEMENT**

It is the policy of NEW MILLENNIUM ACADEMY to encourage appropriate student behavior through the use of positive behavioral strategies. When necessary to protect a child or other individual from physical injury, physical restraint may be used in accord with this policy and state law.

#### **III. RESTRICTIVE PROCEDURES PLAN**

As required by Minnesota law, NEW MILLENNIUM ACADEMY will develop and make publicly accessible in an electronic format on the School's website or in paper copy form available upon request, a plan that discloses the School's use of restrictive procedures with special education students.

The plan will list the restrictive procedures that NEW MILLENNIUM ACADEMY intends to use and the plan will: (1) describe how NEW MILLENNIUM ACADEMY will implement a range of positive behavior strategies and provide links to mental health services; (2) describe how NEW MILLENNIUM ACADEMY will monitor and review the use of restrictive procedures; and (3) include a written description and documentation of the training any staff members who will be using restrictive procedures have completed to show they have the skills set out in Minn. Stat. §125A.0942, subd. 5.

#### **IV. USE OF RESTRICTIVE PROCEDURES**

NEW MILLENNIUM ACADEMY will use restrictive procedures only in emergency situations. "Emergency" means a situation where immediate intervention is needed to protect the student or other individuals 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. Restrictive procedures must not be used to punish or otherwise discipline a child.

- A. **Physical Holding.** The restrictive procedure that NEW MILLENNIUM ACADEMY may use in an emergency situation is physical holding. Physical holding is a physical intervention intended 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. As required by State law, the physical holding must: (1) be the least intrusive intervention that effectively responds to the emergency; (2) not be used to discipline a noncompliant student; (3) end when the threat of harm ends and the staff determines the child can safely return to the classroom or activity; (4) be observed directly by staff while the physical holding is being used; and (5) be documented as soon as possible after the incident concludes by the person who implemented the physical hold or oversaw the hold.
- B. **Seclusion.** NEW MILLENNIUM ACADEMY will not use the restrictive procedure of Seclusion. Seclusion means confining a student alone in a room from which egress is barred, including by an adult locking or closing the door in the room or preventing the student from leaving the room. Removing a student from an activity to a location where the student cannot participate in or observe the activity is not seclusion if the student is not confined alone in a room from which egress is barred.
- C. **Prone Restraint.** NEW MILLENNIUM ACADEMY will not use the restrictive procedure of Prone Restraint. Prone Restraint means placing a student in a face down position.

## **V. STAFF REQUIREMENTS REGARDING RESTRICTIVE PROCEDURES**

The Restrictive Procedure of Physical Holding may be used in emergency situations only by the following staff and only if that staff member has been properly trained in the skills and knowledge areas described in Minn. Stat. §125A.0942, subd. 5.

- Licensed special education teacher;
- School social worker;
- School psychologist;
- Behavior analyst certified by the national Behavior Analyst Certification Board;
- Staff with a master's degree in behavior analysis;
- Other licensed education professional;
- Paraprofessional as described in Minn. Stat. §120B.363; and
- Mental health professional covered by Minn. Stat. §245.4871, subd. 27.

## **VI. PROCEDURAL REQUIRMENTS FOR RESTRICTIVE PROCEDURES**

- A. 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 of the procedure being used or as otherwise indicated in the student's IEP.
- B. Reporting of Use of Restrictive Procedure. The staff person who implements the restrictive procedure or the staff person who oversees the use of a restrictive procedure must inform the administration of the use of the restrictive procedure as soon as possible and complete a Restrictive Procedures report no later than the next working day. The report must include:
  - 1. A description of the incident that led to the use of the restrictive procedure;
  - 2. State why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
  - 3. State the time the restrictive procedure began and the time the student was released from the hold; and
  - 4. Give a brief record of the student's behavioral and physical status during and after the use of the restrictive procedure.
- C. Staff Debriefing. The building administrator or his/her designee and the staff involved in the use of the restrictive procedure are to debrief after every use of a restrictive procedure. This debriefing could include completing and discussing the restrictive procedures reporting form.
- D. Restrictive Procedure and the 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.
- E. Use 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; NEW MILLENNIUM ACADEMY must hold an IEP meeting within ten calendar days after district staff use the second restrictive procedure. The meeting may also be requested by the parent. At the meeting the team must:
  - 1. Review the student's Functional Behavior Assessment (FBA);

2. Review other data connected to the behavior(s) that prompted the use of the restrictive procedure;
3. Consider developing additional or revised positive behavioral interventions and supports;
4. Consider actions that could be taken to reduce the use of restrictive procedures;
5. Consider developing a Behavior Intervention Plan (BIP) or modifying an existing BIP or consider other revisions to the student's IEP;
6. Review any known medical or psychological limitations, including any medical information the parent provided voluntarily, that contraindicate the use of a restrictive procedure; and
7. Consider whether to prohibit a restrictive procedure and, if so, document any prohibition in the student's IEP.

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 10 or more school days during the same school year, the team, as appropriate, either 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.

## **VII. ANNUAL REPORTING REQUIREMENTS**

By June 30 of each year, NEW MILLENNIUM ACADEMY must report summary data on their use of restrictive procedures to the department of education, in the form and manner determined by the commissioner. The summary data must include information about the use of restrictive procedures, including use of reasonable force under section 121A.582.

***Legal References:*** Minn. Stat. § 124E.03 (Charter Schools – Applicable Law)

Minn. Stat. §§125A.0941 & 125A.0942 (Definitions; Standards for Restrictive Procedures)

Minn. Stat. §§ 121A.582 (Student Discipline; Reasonable Force)

Minn. Stat. § 609.379 (Permitted Actions)