

LIONSGATE ACADEMY

802 Use of Restrictive Procedures

Original Adoption Date: 01/15/2018

Revision Date(s):

Review Date(s):

I. PURPOSE

In accordance with Minn. Stat. §§ 125A.094 and 125A.0942 as amended effective 7/1/13, every school district is required to develop and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request a plan that discloses its use of restrictive procedures with students who receive special education services. The plan must list the restrictive procedures that the school district intends to use; describe how the school district will implement a range of positive behavior strategies and provide links to mental health services, describe how the school district will monitor and review the use of restrictive procedures, including post-use debriefings 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, the number of times a restrictive procedures 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 includes 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.

II. GENERAL STATEMENT OF POLICY

- A. Lionsgate Academy uses 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.
- B. **Restrictive Procedures Used:**
 - a. The restrictive procedure that Lionsgate Academy may use in an emergency situation district-wide 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. 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:

- i. 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.
- ii. 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
- iii. Lionsgate Academy does not use seclusion rooms.
- iv. **Restrictive Procedures Not Used:** LGA does not use the restrictive procedure of

c. Prone Restraint – placing a student in a face down position.

C. **Mechanical Restraint:** Physical holding does not include the application of mechanical restraints for bus transportation, sensory needs, or medical needs as these procedures are documented in the student's Individual Family Service Plan (IFSP) or Individual Education Program (IEP).

D. **How LGA will monitor and review the use of restrictive procedures by LGA staff:**

a. Who may use restrictive procedures

- i. Restrictive procedures may be used in emergency situations only by the following staff who have been properly trained in the skills and knowledge areas described in Minn. Stat. § 125A.0942, subd. 5, which are set out subsequently in this plan:
 1. Licensed special education teacher
 2. School social worker
 3. School psychologist
 4. Behavior analyst certified by the national Behavior Analyst Certification Board
 5. Staff with a master's degree in behavior analysis
 6. Other licensed education professional
 7. Paraprofessional
 8. Mental health professional

E. Procedures to follow if a restrictive procedure is used

- a. **Reporting of Use of Restrictive Procedure:** The staff person who implements the use of a restrictive procedure will inform the Special Education Intervention Coordinator of the use of the restrictive procedure as soon as possible and shall complete the restrictive procedures report form no later than the next working day. (See reporting form in Attachment A) The Special Education Intervention Coordinator reviews and signs the form and submits to the special education administrative assistant, who will ensure copies are delivered to the executive director, special education director, and parent. The restrictive procedures report

form must include:

- i. a description of the incident that led to the use of the restrictive procedure;
 - ii. state why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;
 - iii. state the time the restrictive procedure began and the time the student was released from the hold; and
 - iv. give a brief record of the student's behavioral and physical status during and after the use of the restrictive procedure
- b. **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.
- c. **Staff Debriefing after Use of Restrictive Procedure:** The Board Certified Behavior Analyst and the Special Education Intervention Coordinator and the staff involved in the use of the restrictive procedure are expected to debrief after every use of a restrictive procedure. This debriefing will include completing and discussing the restrictive procedures reporting form.
- d. **Including Plan for Use of a Restrictive Procedure in 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. Lionsgate Academy 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 of Restrictive Procedure 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, Lionsgate Academy must hold an IEP meeting within ten calendar days after district staff use the second restrictive procedure. This meeting can also be requested by the parent or the district after restrictive procedures have been used. At this meeting the team must:
 - i. review the student's Functional Behavior Assessment (FBA);
 - ii. review other data connected to the behavior(s) that prompted the use of the restrictive procedure;
 - iii. consider developing additional or revised positive behavioral interventions and supports;
 - iv. consider actions that could be taken to reduce the use of restrictive procedures;
 - v. consider developing a Behavior Intervention Plan (BIP) or modifying an existing BIP or consider other revisions to the student's IEP;
 - vi. review any known medical or psychological limitations, including any medical information the parent provided voluntarily, that contraindicate the use of a restrictive procedure; and
 - vii. 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.

F. Oversight Committee:

- a. At least quarterly, the District will convene an oversight committee which will include the following individuals:
 - i. Special Education Administrator
 - ii. General Education Administrator
 - iii. PBIS expert
 - iv. Mental Health Professional

G. This oversight committee will review the aggregate data on the use of restrictive procedures in the District looking:

- a. for 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;
- b. at the number of times a restrictive procedure is used schoolwide and for individual children;
- c. at the number and types of injuries, if any, resulting from the use of restrictive procedures;
- d. at whether restrictive procedures are used in nonemergency situations;
- e. at whether additional staff training on behavior interventions and restrictive procedures is needed; and
- f. at proposed actions to minimize the use of restrictive procedures.

H. Description of staff training

- a. Staff members who use restrictive procedures shall complete training in the following skills and knowledge areas:
 - i. positive behavior interventions;
 - ii. communicative intent of behaviors;
 - iii. relationship building;
 - iv. alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
 - v. de-escalation methods;
 - vi. standards for using restrictive procedures only in an emergency;
 - vii. obtaining emergency medical assistance;
 - viii. the physiological and psychological impact of physical holding and seclusion;
 - ix. monitoring and responding to a student's physical signs of distress when physical holding is being used;
 - x. recognizing the symptoms of and interventions that may cause positional

- asphyxia when physical holding is used;
 - xi. district policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure; and
 - xii. schoolwide programs on positive behavior strategies.
 - b. Lionsgate Academy will keep a list of the trainings offered in the district each year to staff to meet the twelve skill and knowledge areas described above. The District will also keep documentation of the staff members who attend those trainings.
 - c. Lionsgate Academy's guiding philosophy is that all staff members will be trained in CPI's (Crisis Prevention Institute) NCI (Non Violent Crisis Intervention) training. They will be trained in the foundation course initially and the foundation refresher annually thereafter.
 - d. We are only training staff in SRT, crisis and comm room in the holding skills. For staff members who are hired after fall inservice training:
 - 1. Support services, classroom teachers and administrators- will be trained the following year.
 - 2. 1:1 Educational Assistants and Resource Room Educational Assistant's- will be trained mid year

I. Prohibited procedures

- a. Lionsgate Academy staff members are prohibited from using the following actions or procedures:
 - i. engaging in corporal punishment which is defined by Minnesota statute to be conduct involving: (1) hitting or spanking a person with or without an object; or (2) unreasonable physical force that causes bodily harm or substantial emotional harm.
 - ii. requiring a student to assume and maintain a specified physical position, activity, or posture that induces physical pain;
 - iii. totally or partially restricting a student's senses as punishment;
 - iv. presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
 - v. denying or restricting a student's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the student's functioning, except when the temporary removal of the equipment or device is needed to prevent injury to the student or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the student as soon as possible;
 - vi. interacting with a student in a manner that constitutes sexual abuse, neglect, or physical abuse as those terms are defined in Minn. Stat. § 626.556;
 - vii. withholding regularly scheduled meals or water;
 - viii. denying access to bathroom facilities; and
 - ix. physical holding that restricts or impairs a student's ability to breathe, restricts or impairs a student's ability to communicate distress, places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's torso.

Legal Reference:

Minn. Stat. § 121A.61 (2007), Discipline and Removal of Students from Class

Minn. Stat. § 125A.0941 (2009), Definitions

Minn. Stat. § 125A.0942 (2009), Restrictive Procedure for Children With Disabilities

Minn. Stat. § 121A.582 (Reasonable Force)

Minn. Rule 3525.0210 (Definitions)

Minn. Rule 3525.0850 (Behavioral Interventions)

Minn. Rule 3525.1100, State and District Responsibility for Total Special Education System (TSES)