

Adopted: August 14, 2014
Revised: March 11, 2024

COMMUNITY OF PEACE ACADEMY POLICY No. 5.6.2 USE OF RESTRAINTS FOR STUDENTS

I. PURPOSE

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

II. POLICY STATEMENT

It is the policy of Community of Peace 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 accordance with this policy and state law.

III. RESTRICTIVE PROCEDURES PLAN

As required by Minnesota law, Community of Peace 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 Community of Peace Academy intends to use and the plan will: (1) describe how Community of Peace Academy will implement a range of positive behavior strategies and provide links to mental health services; (2) describe how Community of Peace 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

Community of Peace Academy will use restrictive procedures only in emergencies. "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 Community of Peace 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 non-compliant 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.** Community of Peace 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.** Community of Peace 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 emergencies 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 professionals;
- Paraprofessional as described in Minn. Stat. §120B.363; and
- Mental health professionals covered by Minn. Stat. §245.4871, subd. 27.

OVERSIGHT COMMITTEE

As described in Minn. Stat. § 125A.094, Community of Peace Academy will convene an oversight committee to include:

- Mental health professional;
- Expert in positive behavior strategies;
- Special education administrator;
- General education administrator.

The oversight committee will meet quarterly to review:

- 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 the procedure, the individuals involved, or other factors associated with the use of restrictive procedures;
- any disproportionate use of restrictive procedures based on race, gender, or disability status;
- the role of the school resource officer or police in emergencies and the use of restrictive procedures;
- the number of times a restrictive procedure is used schoolwide and for individual students;
- the number and type of injuries, if any, resulting from the use of restrictive procedures;
- whether restrictive procedures are used in non-emergency situations;
- the need for additional staff training;
- proposed actions to minimize the use of restrictive procedures.

VI. PROCEDURAL REQUIREMENTS 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 the 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, Community of Peace 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 considering 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.

Legal References: Minn. Stat. §§125A.0941 & 125A.0942 (Definitions; Standards for Restrictive Procedures)
Minn. Stat. §609.379 (Permitted Actions)