

809 RESTRICTIVE PROCEDURES

I. PURPOSE

The purpose of this policy is to guide the use of restrictive procedures in compliance with Minnesota Statutes 125A.094, 125A.0941 and 125A.092.

II. GENERAL STATEMENT OF POLICY

Restrictive procedures shall be used only in response to behavior that constitutes an emergency, regardless as to whether that behavior is written into a student's IEP or BIP.

III. DEFINITIONS

A. Physical holding "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. 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 procedure; or
- (4) is needed to physically escort a child when the child does not resist or the child's resistance is minimal.

B. Emergency is defined as 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.

C. Seclusion is defined as 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.

IV. USE OF RESTRICTIVE PROCEDURES

A. Cyber Village Academy does not have a room suitable for seclusion and prohibits the use of seclusion as defined in this policy.

- B. Cyber Village Academy allows physical holding in emergency situations to prevent an individual from harming themselves or others.
- C. Cyber Village Academy allows individual and team control and transport positions that do not cause pain or harm the individual being restrained.
- D. Cyber Village Academy prohibits the use of any restraint position that restricts breathing in either an upright or prone position.
- E. Physical holding may be used only in an emergency. A school that uses physical holding shall meet the following requirements:

- (1) physical holding is the least intrusive intervention that effectively responds to the emergency;

- (2) physical holding is not used to discipline a noncompliant child or as punishment;

- (3) physical holding ends when the threat of harm ends and the staff determines the child can safely return to the classroom or activity;

- (4) staff directly observes the child while physical holding is being used;

- (5) each time physical holding is used, the staff person who implements or oversees the physical holding documents, as soon as possible after the incident concludes, the following information:

- (i) a description of the incident that led to the physical holding;

- (ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;

- (iii) the time the physical holding began and the time the child was released; and

- (iv) a brief record of the child's behavioral and physical status;

IV. STAFF TRAINING

- A. Cyber Village Academy will provide training in de-escalation and restraint techniques to selected staff members.
- B. Training will be provided by a qualified trainer credentialed by an accredited or respected agency.
- C. Only staff members with currently valid certification are permitted to engage in physical holding.

V. RECORD KEEPING

- A. As required by law, parents will be notified regarding the use of any physical holding within two days after the incident in which the physical holding occurred.
- B. The staff member who applied the physical holding will complete a log entry in

the Student Information System (PowerSchool) indicating that physical restraint was used.

- C. An oversight committee shall meet periodically to review the use of restrictive procedures at Cyber Village Academy.

Legal References: MS 125A.094
MR 3525.2710
MR 3525.2810