

Model Restrictive Procedures Plan with Legal Citations and Suggestions

The Minnesota Department of Education (MDE) has developed this sample restrictive procedures plan for use by the education community. Schools are not required to use this sample restrictive procedures plan. The purpose of this sample restrictive procedures plan is to provide helpful guidance and a documentation model including the required data elements for compliance with special education restrictive procedures requirements.¹

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Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)	Schools that intend to use restrictive procedures are required to maintain and make publicly accessible in an electronic format on a school or district Web site or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities.
Definition found at Minnesota Statutes, section 125A.0941(f)	Restrictive procedures means the use of physical holding or seclusion in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child.
Definition found at Minnesota Statutes, section 125A.0941(b)	An emergency 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.
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 2(f)	Restrictive procedures may be used only in response to behavior that constitutes an emergency, even if written into a child's IEP or BIP
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(1)	I. ABC School intends to use the following restrictive procedures:*

¹ Italicized language will be found throughout this document and indicates guidance to assist the education community in completing a Restrictive Procedures Plan.

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Definition found at Minnesota Statutes, section 125A.0941(c)	<p>A. Physical holding:</p> <ol style="list-style-type: none"> 1. 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.
Definition found at Minnesota Statutes, section 125A.0941(c)	<ol style="list-style-type: none"> 2. The term physical holding does not mean physical contact that: <ol style="list-style-type: none"> 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. 3. ABC School intends to use the following types of physical holding <i>[list below the name(s) of each physical hold your school intends to use; i.e., CPI baskethold, CPI 1 or 2 person control transport hold, etc.]</i>: <ol style="list-style-type: none"> a) b) c)
Definition found at Minnesota Statutes, section 125A.0941(g)	<p>B. Seclusion</p> <ol style="list-style-type: none"> 1. Seclusion means confining a child alone in a room from which egress is barred. 2. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room.
Definition found at Minnesota Statutes, section 125A.0941(g)	<ol style="list-style-type: none"> 3. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.
	<ol style="list-style-type: none"> 4. ABC School intends to use the following rooms as rooms for seclusion <i>[list below an identifying number or name for each room your school intends to use as a room for seclusion; i.e., Room # 104]</i>: <ol style="list-style-type: none"> a) b)

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Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(7)(i)	<p>5. Attached, as Appendix A, is written notice from local authorities that the rooms and the locking mechanisms comply with applicable building, fire, and safety codes, for each room ABC School uses as a room for seclusion. The written notice was received from <i>[insert local authority]</i> on <i>[insert date]</i>.</p> <p><i>[Physically attach to your restrictive procedures plan the written notice your school received from the local authorities indicating compliance with applicable building, fire, and safety codes for each room you intend to use for seclusion. Insert which local authorities your school received the written notice from and when it was received; i.e., from the State fire marshal or Hennepin County building inspectors on July 1, 2012.]</i></p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(7)(ii)	<p>6. All rooms ABC School uses as rooms for seclusion have been registered with the Minnesota Department of Education on <i>[insert date]</i>.</p> <p><i>[Insert the date each room used for seclusion was registered with the MDE; i.e., August 1, 2011. For information on how to register seclusion rooms, please see document entitled General Information and Instructions for Registering Room for Seclusion.]</i></p>
Requirements found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)	<p>7. Room <i>[Insert an identifying number or name of a room you intend to use for seclusion; i.e., Room #104]</i> used as seclusion is:</p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(i) ²	<p>a) <i>[Insert the measurements of the room; i.e., Room #104 measures 6 feet by 8 feet.]</i></p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(ii) ³	<p>b) <i>[Insert a description of the lighting, ventilation and heating. Also include how your school is going to ensure the room is kept clean, i.e., Room #104 has an overhead light, is ventilated and is heated. Staff who use Room #104 for seclusion will ensure the cleanliness of the room prior to and after each use.]</i></p>

² Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(i) requires the room to be at least six feet by five feet.

³ Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(ii) requires the room to be well lit, well ventilated, adequately heated, and clean.

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Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(iii) ⁴	c) <i>[Insert a description of the window indicating that it is adequate for staff to directly observe a child in the room; i.e., Room #104 has a window in the door that measures 12" by 24". When standing in front of the window, staff is able to see into the entire room.]</i>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(iv) ⁵	d) <i>[Insert a description of the fixtures located in the room indicating that they are tamperproof. Also include the location of electrical switches and a description of the ceiling; i.e., Room #104 is equipped with an automatic smoke detector, overhead light fixture, heating and ventilation fan, all of which are tamperproof. All electrical switches are located within inches of the left of the door outside of the room. The ceiling is secure.]</i>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(v) ⁶	e) <i>[Insert how the door to the room opens. Include whether the door has a locking mechanism and, if so, that the locking mechanism has immediate release mechanisms and is connected with a fire and emergency system; i.e., Room #104 has a door that opens out and does not have a locking mechanism.]</i>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(6)(vi) ⁷	f) <i>[Insert a description of how the school will ensure the room does not contain objects that a child may use to injure the child or others; i.e., Staff will check Room #104 prior to use and after each use and immediately remove any objects that could be used to injure a child or others.]</i>
	8. <i>[Repeat number 7 above, for each room your school intends to use as a room for seclusion.]</i>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(2)	II. ABC School will implement a range of positive behavior strategies and provide links to mental health services.

⁴ Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(iii) requires the room to have a window that allows staff to directly observe a child in seclusion.

⁵ Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(iv) requires the room to have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings.

⁶ Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(v) requires the room to have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system.

⁷ Minnesota Statutes, section 125A.0942, Subd. 3(a)(6)(vi) requires the room not to contain objects that a child may use to injure the child or others.

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Definition found at Minnesota Statutes, section 125A.0941(d)	A. Positive behavioral interventions and supports means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(2) Encouragement found at Minnesota Statutes, section 125A.0942, Subdivision 6 ⁸	B. ABC School implements the following positive behavior strategies <i>[list below your school's positive behavior strategies. Also include a description of your school's practices and plans which establish effective school-wide systems of PBIS, i.e., If ABC School has participated in the PBIS training at MDE, attach a copy of its most recent action plan, etc.]:</i> 1. 2. 3. 4.
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(2)	C. ABC School provides the following links to mental health services <i>[list below the websites for pertinent mental health services in your area, i.e., ABC County Mental Health.]</i> 1. 2. 3. 4.

⁸ Minnesota Statutes, section 125A.0942, Subd, 6 encourages school districts to establish effective school-wide systems of positive behavior interventions and supports.

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<p>Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(3); <i>See also</i>, Minnesota Statutes, section 122A.09, Subdivision 4(k) and Minnesota Rule 8710.0300</p>	<p>III. ABC School will provide training on de-escalation techniques.</p> <p>A. ABC School provides the following training on using positive behavior interventions [list the trainings provided below];</p> <ol style="list-style-type: none"> 1. 2. 3. 4. <p>B. ABC School provides the following training on accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state’s graduation standards [list the trainings provided below].</p> <ol style="list-style-type: none"> 1. 2. 3. 4.
<p>Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(4)</p>	<p>IV. ABC School will monitor and review the use of restrictive procedures in the following manner:</p>
<p>Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(5)</p>	<p>A. Documentation:</p> <ol style="list-style-type: none"> 1. Each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion documents, as soon as possible after the incident concludes, the following information: <ol style="list-style-type: none"> 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 or seclusion began and the time the child was released; and d) A brief record of the child’s behavioral and physical status.

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	<p>2. Attached, as Appendix B, is ABC School's forms used to document the use of physical holding or seclusion.</p> <p><i>[Physically attach to your restrictive procedures plan a copy of your school's physical holding and seclusion forms].</i></p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 1(a)(4)(i)	<p>B. Post-use debriefings, consistent with documentation requirements:</p> <p>1. Each time physical holding or seclusion is used, the staff person who implemented or oversaw the physical holding or seclusion shall conduct a post-use debriefing with <i>[insert the position of staff person(s) responsible for the post-use debriefing]</i>, within <i>[when the post-use debriefing will occur]</i> after the incident concludes.</p>
	<p>2. The post-use debriefing will review the following requirements to ensure the physical holding or seclusion was used appropriately <i>[list below what your school will review during the post-use debriefings]:</i></p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a) ⁹	<p>a) <i>[i.e., Whether the physical holding or seclusion was used in an emergency.]</i></p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision. 3(a)(1) ¹⁰	<p>b) <i>[i.e., Whether the physical holding or seclusion was the least intrusive intervention that effectively responds to the emergency.]</i></p>
Requirement found at Minnesota Statutes, section 125A.0942, Subdivision 3(a)(2) ¹¹	<p>c) <i>[i.e., Whether the physical holding or seclusion was used to discipline a noncompliant child.]</i></p>

⁹ Minnesota Statutes, section 125A.0942, Subd. 3(a) requires that restrictive procedures only be used in response to behavior that constitutes an emergency.

¹⁰ Minn. Stat. § 125A.0942, Subd. 3(a)(1) requires physical holding or seclusion be the least restrictive intervention that effectively responds to the emergency.

¹¹ Minn. Stat. § 125A.0942, Subd. 3(a)(2) requires physical holding or seclusion NOT be used to discipline a noncompliant child.

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Requirement found at Minn. Stat. § 125A.0942, Subdivision 3(a)(3) ¹²	d) <i>[i.e., Whether the physical holding or seclusion ended when the threat of harm ended and the staff determined that the child could safely return to the classroom or activity.]</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 3(a)(4) ¹³	e) <i>[i.e., Whether the staff directly observed the child while physical holding or seclusion was being used.]</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 3(a)(5) ¹⁴	f) <i>[i.e., Whether the documentation was completed correctly.]</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 2(b) ¹⁵ and Minn. § 125A.0942, Subdivision 2(f) ¹⁶	g) <i>[i.e., Whether the parents were properly notified.]</i>

¹² Minn. Stat. § 125A.0942, Subd. 3(a)(3) requires the physical holding or seclusion end when the threat of harm ends and the staff determines the child can safely return to the classroom or activity.

¹³ Minn. Stat. § 125A.0942, Subd. 3(a)(4) requires staff to directly observe the child while physical holding or seclusion is being used.

¹⁴ Minn. Stat. § 125A.0942, Subd. 3(a)(5) requires the staff person who implements or oversees the physical holding or seclusion to document, each time physical holding or seclusion is used, as soon as possible after the incident concludes, the following information: (i) a description of the incident that led to the physical holding or seclusion; (ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical; (iii) the time the physical holding or seclusion began and the time the child was released; and (iv) a brief record of the child's behavioral and physical status.

¹⁵ Minn. Stat. § 125A.0942, Subd. 2(b) requires a school to make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child, or if the school is unable to provide same-day notice, notice is sent within two days by written or electronic means or as otherwise indicated by the child's parent.

¹⁶ Minn. Stat. § 125A.0942, Subd. 2(f) provides that an IEP team may plan for using restrictive procedures and may include these procedures in a child's IEP or BIP; however, the restrictive procedures may be used only in response to behavior that constitutes an emergency. The IEP or BIP shall indicate how the parent wants to be notified when a restrictive procedure is used.

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Requirement found at Minn. Stat. § 125A.0942, Subdivision 2(c) ¹⁷	h) <i>[i.e., Whether an IEP team meeting needs to be scheduled.]</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 2(a) ¹⁸	i) <i>[i.e., Whether the appropriate staff used physical holding or seclusion.]</i>
Requirement found at Minn. Stat. § 125A.0942, Subdivision 5	j) <i>[i.e., Whether the staff that used physical holding or seclusion was appropriately trained.]</i>
	3. <i>[Insert what your school will do if the post-use debriefing reveals that the use of physical holding or seclusion was not used appropriately, i.e., If the post-use debriefing determines the physical holding or seclusion was not used appropriately, ABC School will ensure immediate corrective action is taken, such as ...]</i>

¹⁷ Minn. Stat. § 125A.0942, Subd. 2(c) requires the district to hold a meeting of the IEP team: within ten calendar days after district staff use restrictive procedures on two separate school days within 30 calendar days or a pattern of use emerges and the child's IEP or BIP does not provide for using restrictive procedures in an emergency; or at the request of a parent or the district after restrictive procedures are used. The district must review use of restrictive procedures at a child's annual IEP meeting when the child's IEP provides for using restrictive procedures in an emergency.

¹⁸ Minn. Stat. § 125A.0942, Subd. 2(a) requires restrictive procedures only be used by a licensed special education teacher, school social worker, school psychologist, behavior analyst certified by the national Behavior Analyst Certification Board, a person with a master's degree in behavior analysis, other licensed education professional, paraprofessional, or mental health professional, who has completed training.

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Requirement found at Minn. Stat. § 125A.0942, Subdivision 1(b) ¹⁹	<p>C. Oversight committee</p> <ol style="list-style-type: none"> 1. ABC School publicly identifies the following oversight committee members <i>[list below the name and title of the staff who will participate on the oversight committee].</i> <ol style="list-style-type: none"> a) A mental health professional, school psychologist, or school social worker; b) An expert in positive behavior intervention; c) A special education administrator; d) A general education administrator; e) Other; f) Other.
Requirement found at Minn. Stat. § 125A.0942, Subdivision 1(a)(4)(ii) ²⁰	<ol style="list-style-type: none"> 2. ABC School's oversight committee meets quarterly on <i>[list below when the oversight committee is scheduled to meet, i.e., The first Thursday of every third month.]</i> <ol style="list-style-type: none"> a) b) c) d)

¹⁹ Minn. Stat. § 125A.0942, Subd, 2(b) requires schools to annually publicly identify oversight committee members who must at least include: (1) a mental health professional, school psychologist, or school social worker; (2) an expert in positive behavior strategies; (3) a special education administrator; and (4) a general education administrator.

²⁰ Minn. Stat. § 125A.0942, Subd. 1(a)(4)(ii) requires that an oversight convene to undertake a quarterly review of the use of restrictive procedures.

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Requirement found at Minn. Stat. § 125A.0942, Subdivision (1)(a)(4)(ii)	<p>3. ABC School's oversight committee will review the following <i>[list below the responsibilities of the oversight committee to include at least (a) – (f)]</i>:</p> <ul style="list-style-type: none"> a) The use of restrictive procedures based on patterns or problems indicated by similarities in the time of day, day of week, duration of the use of a restrictive 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; and f) Proposed actions to minimize the use of restrictive procedures.
Requirement found at Minn. Stat. § 125A.0942, Subdivision 1(a)(5) and Subdivision 5	<p>V. ABC School staff who use restrictive procedures, including paraprofessionals, received training in the following skills and knowledge areas:</p> <p>A. Positive behavioral interventions</p> <ul style="list-style-type: none"> 1. <i>[For each "1" insert a description of the particular skills and knowledge areas the training covered, i.e., CPI training entitled.]</i> 2. <i>[For each "2" physically attach to your restrictive procedures plan written documentation pertaining to each skills and knowledge area, including staff who attended, dates, any certificates received, etc.]</i> <p>B. Communicative intent of behaviors</p> <ul style="list-style-type: none"> 1. 2.
	<p>C. Relationship building</p> <ul style="list-style-type: none"> 1. 2.
	<p>D. Alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior</p> <ul style="list-style-type: none"> 1. 2.

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	<p>E. De-Escalation methods</p> <ol style="list-style-type: none"> 1. 2.
	<p>F. Standards for using restrictive procedures only in an emergency</p> <ol style="list-style-type: none"> 1. 2.
	<p>G. Obtaining emergency medical assistance</p> <ol style="list-style-type: none"> 1. 2.
	<p>H. The physiological and psychological impact of physical holding and seclusion</p> <ol style="list-style-type: none"> 1. 2.
	<p>I. Monitoring and responding to a child's physical signs of distress when physical holding is being used</p> <ol style="list-style-type: none"> 1. 2.
	<p>J. Recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used</p> <ol style="list-style-type: none"> 1. 2.
	<p>K. District policies and procedures for timely reporting and documenting each incident involving use of a restrictive procedure; and</p> <ol style="list-style-type: none"> 1. 2.

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	<p>L. Schoolwide programs on positive behavior strategies</p> <ol style="list-style-type: none"> 1. 2.
<p>Prohibitions found at Minn. Stat. § 125A.0942, Subdivision 4(1-9)</p>	<p>VI. ABC School will never use the following prohibited procedures on a child:</p> <ol style="list-style-type: none"> 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; and 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.