

	<u>A Special Education Guideline for the Use of Restrictive Procedures for Students with Disabilities</u>	n u m b e r 12
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To: Superintendents, Principals, Special Education Professional Staff, and Student Assistance Team Members

From: Executive Director, Special Education Director, Unique Learner’s Managers, & Social Behavior Collaborative Planners

RE: Use of Restrictive Procedures for Students with Disabilities

Date: December, 2013

Applicable Legal Standards

Minnesota Statute 125A.0942, Subd. 1 states that districts must develop and make public a plan that discloses its use of restrictive procedures.

Purpose

This Administrative Guideline establishes practices for the development of emergency procedures that incorporate the use of district restrictive procedures. This policy is intended to encourage the use of positive approaches to behavioral interventions & supports. The objective of any behavioral intervention must be that pupils acquire appropriate behaviors and skills. It is critical that behavioral intervention programs focus on skills acquisition rather than merely behavior reduction or elimination. Behavioral intervention policies, programs, or procedures must be designed to enable a pupil to benefit from an appropriate, individualized educational

program as well as develop skills to enable them to function as independently as possible in their communities.

In accordance with Minnesota Statute 125A.0942, Subd. 1, every school district is required to develop and make public a plan that discloses its use of restrictive procedures. The plan specifically outlines the list of restrictive procedures the school intends to use; how the school will monitor and review the use of restrictive procedures, including post use debriefings and convening an oversight committee; and a written description and documentation of the training and staff that have completed the training. Appendices to the district specific restrictive procedures plans are additional tools for districts to use in monitoring the use of restrictive procedures within individual districts as well as keeping documentation of building oversight committees.

Practices Not Regulated By This Rule and Guideline

Instructional practices commonly used in educational settings not regulated by this guideline include:

1. corrective feedback or prompts used to limit or prevent errors – includes verbal, physical, visual prompts;
2. physical assistance to facilitate completion of a response with no physical resistance on the part of the student;
3. delivery of positive consequences contingent upon a emission of a targeted behavior;
4. temporary interruptions in instruction or activity in which a student is directed to leave an activity for a brief period of time to a location where the student can observe the ongoing activity and see others receiving positive consequences for appropriate behaviors [contingent observation];
5. temporary interruptions in instruction or activity when a student is sent to a different location under appropriate supervision;
6. temporary withdrawal of goods, services or activities as a result of the student's inappropriate use of these; and
7. medically prescribed restraints for position, maintaining posture or aiding in the acquisition of self-help or other functional skills.

This list is not exhaustive and may include other practices provided these practices are consistent with the autonomy and independence principles identified above.

Non Aversive Interventions

The Rule requires IEP teams to address concerns related to the student's social behavior using proactive, positive treatment strategies.

Development and Content of Individual Education Plan M.R. 3525.2900 Subp 5.A.(1)

After a restrictive procedure is used on a student the IEP team must;

1. complete a *functional behavior assessment* (FBA) in which the disturbing or target behaviors and alternative behaviors are defined, the setting conditions and occasions for the identified target and alternative behaviors are specified, the observed consequences of the target and alternative behaviors are described, and the apparent functions these behaviors are established;
2. identify at least two positive interventions implemented and the effectiveness of each;
3. design and implement restrictive procedures based on present levels of performance, needs, goals and objectives, and document in the IEP; and
4. shall develop and write a Behavior Support Plan (BSP) following the guidelines below.

All behavioral interventions not covered in the IEP must be consistent with the district's discipline policy. Continued and repeated use of any element of a district's discipline policy must be reviewed in the development of the individual pupil's IEP and consideration given to the development of a BSP should repeated use of the district's discipline policy result in an unacceptable continuation of the disturbing behavior patterns or a denial of FAPE.