

Yinghua Academy Restrictive Procedures Plan

In accordance with Minn. Stat. §§ 125A.094 and 125A.0942, schools that intend to use restrictive procedures are required to maintain and make publicly accessible in an electronic format on a school or district website or make a paper copy available upon request describing a restrictive procedures plan for children with disabilities.

Reasonable Force:

According to Minn. Stat. §121A.582 (Appendix A), a teacher or school principal, in exercising the person’s lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another. A school employee, school bus driver, or other agent of a district, in exercising the person’s lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

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.

Yinghua uses restrictive procedures only in emergency situations. “Emergency” means a situation where immediate intervention is needed to protect a child 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 may be used only in response to behavior that constitutes an emergency, even if written into a child’s IEP or BIP

I. Yinghua Academy intends to use the following restrictive procedures:

A. Physical holding:

1. Physical holding means a 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.
2. The term physical holding does not mean physical contact that:
 - 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. Yinghua Academy intends to use the following types of physical holding:
 - a) Crisis Prevention Institute’s (CPI) Children’s Control Position
 - b) Crisis Prevention Institute’s (CPI) Team Control Position
 - c) Crisis Prevention Institute’s (CPI) Transport

Yinghua Academy does not use the following restrictive procedures:

B. Seclusion

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.
3. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion.

II. Yinghua Academy will implement a range of positive behavior strategies and provide links to mental health services.

<p>A. Positive behavioral interventions and supports means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.</p>
<p>B. Yinghua Academy implements the following positive behavior strategies</p> <ol style="list-style-type: none"> 1. establishing, defining, teaching, and practicing six positively stated school wide behavioral expectations that are representative of the local community and cultures (Dragon Code) 2. developing and implementing a consistent and specialized support system for students who do not display behaviors representative of schoolwide positive expectations; (ADSIS-behavior contracts) 3. using a continuum of evidence-based interventions that is integrated and aligned to support academic and behavioral success for all students; and (ADSIS-both academic and behavioral) 4. using a team-based approach to support effective implementation, monitor progress, and evaluate outcomes.
<p>C. Yinghua Academy provides the following links to mental health services</p> <ol style="list-style-type: none"> 1. 988 Suicide and Crisis Lifeline, Call 800-273-TALK (8255) 2. Crisis Text Me, Text NAMI to 741-741 3. National Domestic Violence Hotline, Call 800-799-SAFE (7233) 4. National Sexual Assault Hotline, Call 800-656-HOPE (4673)
<p>III. Yinghua Academy will monitor and review the use of restrictive procedures in the following manner:</p>
<p>A. Documentation:</p> <ol style="list-style-type: none"> 1. Each time physical holding 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 during the hold. 2. Attached, as Appendix B, is Yinghua Academy's forms used to document the use of physical holding or seclusion.
<p>B. Post-use debriefings, consistent with documentation requirements:</p> <ol style="list-style-type: none"> 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 the Special Education Coordinator within 2 school days after the incident concludes. 2. The post-use debriefing will review the following requirements to ensure the physical holding or seclusion was used appropriately: <ol style="list-style-type: none"> a) Whether the physical holding was used in an emergency. b) Whether the physical holding was the least intrusive intervention that effectively responds to the emergency. c) Whether the physical holding was used to discipline a noncompliant child. d) Whether the physical holding ended when the threat of harm ended and the staff determined that the child could safely return to the classroom or activity. e) Whether the staff directly observed the child while physical holding was being used. f) Whether the documentation was completed correctly. g) Whether the parents were properly notified. h) Whether an IEP team meeting needs to be scheduled. i) Whether the appropriate staff used physical holding. j) Whether the staff that used physical holding was appropriately trained.

3. If the post-use debriefing reveals that the use of physical holding was not used appropriately, Yinghua Academy will ensure immediate corrective action is taken, documented and reported to the Director of Special Education.

C. Oversight committee

1. Yinghua Academy publicly identifies the following oversight committee members
 - a) special education director;
 - b) special education coordinator;
 - c) case managers;
 - d) paraprofessionals (if involved in a physical holding);
2. Yinghua Academy’s oversight committee meets in-person quarterly on the second or third Friday of every third month.
 - a) November 10th, 2023
 - b) February 16th, 2024
 - c) May 10th, 2024
3. Yinghua Academy’s oversight committee will review the following:
 - 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 non emergency situations;
 - e) The need for additional staff training; and
 - f) Proposed actions to minimize the use of restrictive procedures.

IV. Yinghua Academy staff has received training in the following skills and knowledge areas:

1. positive behavioral interventions;
2. communicative intent of behaviors;
3. relationship building;
4. alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;
5. de-escalation methods;
6. standards for using restrictive procedures only in an emergency;
7. obtaining emergency medical assistance;
8. the physiological and psychological impact of physical holding and seclusion;
9. monitoring and responding to a child's physical signs of distress when physical holding is being used;
10. recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used;
11. district policies and procedures for timely reporting and documenting each incident involving use of a restricted procedure;
12. schoolwide programs on positive behavior strategies.

A master list of staff trained in the use of Restrictive Procedures will be maintained and updated yearly by the Special Education Coordinator.

V. Yinghua Academy will never use the following prohibited procedures on a child:

1. Engaging in conduct prohibited under section 121A.58 (corporal punishment);
2. Requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
3. Totally or partially restricting a child’s senses as punishment;

4. Presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
5. 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;
6. Interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556 (reporting of maltreatment of minors);
7. Withholding regularly scheduled meals or water;
8. Denying access to bathroom facilities;
9. 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; and
10. Prone (facedown) restraints.

Attachment A

121A.582 STUDENT DISCIPLINE; REASONABLE FORCE.

Subdivision 1. Reasonable force standard.

(a) A teacher or school principal, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

(b) A school employee, school bus driver, or other agent of a district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

(c) Paragraphs (a) and (b) do not authorize conduct prohibited under section 125A.0942.

Subd. 2. Civil liability.

(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a civil action for damages under section 123B.25.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a civil action for damages under section 123B.25.

Subd. 3. Criminal prosecution.

(a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a criminal prosecution under section 609.06, subdivision 1.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a criminal prosecution under section 609.06, subdivision 1.

609.06 AUTHORIZED USE OF FORCE.

Subdivision 1. When authorized.

Except as otherwise provided in subdivision 2, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

(1) when used by a public officer or one assisting a public officer under the public officer's direction:

(a) in effecting a lawful arrest; or

(b) in the execution of legal process; or

(c) in enforcing an order of the court; or

(d) in executing any other duty imposed upon the public officer by law; or

(2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or

(3) when used by any person in resisting or aiding another to resist an offense against the person; or

(4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or (5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or (6) when used by a parent, guardian, teacher, or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or (7) when used by a school employee or school bus driver, in the exercise of lawful authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or (8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or (9) when used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or (10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person.

Subd. 2. Deadly force used against peace officers.

Deadly force may not be used against peace officers who have announced their presence and are performing official duties at a location where a person is committing a crime or an act that would be a crime if committed by an adult.

609.379 PERMITTED ACTIONS.

Subdivision 1. Reasonable force.

Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:

(a) when used by a parent, legal guardian, teacher, or other caretaker of a child or pupil, in the exercise of lawful authority, to restrain or correct the child or pupil; or

(b) when used by a teacher or other member of the instructional, support, or supervisory staff of a public or nonpublic school upon or toward a child when necessary to restrain the child from self-injury or injury to any other person or property.

Subd. 2. Applicability.

This section applies to sections 260B.425, 260C.425, 609.255, 609.376, 609.378, and 626.556

Use of Restrictive Procedures: Physical Holding

Student: _____ **SSID:** _____ **Date of incident:** _____
School: _____ **Age:** _____ **Grade:** _____
Birth date: _____ **Gender:** _____
Federal setting: _____
Primary disability: _____

- A. Is the student Hispanic/Latino?** Yes No
B. What is the student's race?
 American Indian or Alaska Native Asian Black or African American
 Native Hawaiian or Other Pacific Islander White
C. Federal race

Staff must complete this form when an incident occurs that includes the use of one or more physical holds.

Staff involved

First name	Last name	Role in incident
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Person completing this form:

Name	Position	Phone
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Physical holding:

Was the school resource officer or a police officer involved in this restrictive procedure? Yes No
 Explain

Parent/guardian information:

Parents must be notified the same day a restrictive procedure is used. A written or electronic notice must be sent home within two (2) days if unable to notify on the same day or as otherwise indicated by the student's parent and in the student's IEP.

Name:	Phone (home):		
Relationship to child:	Phone (work):		
Address:			
Email:			
Date	Time	Notified by	Notification Method/Platform