

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1131

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DATE	D-PG	OFFICIAL STATUS
04/11/2011	1260	Introduction and first reading Referred to Education

1.1 A bill for an act  
1.2 relating to education; modifying licensure requirements for paraprofessionals  
1.3 using restrictive procedures; amending Minnesota Statutes 2010, section  
1.4 125A.0942, subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 125A.0942, subdivision 2, is amended to  
1.7 read:

1.8 Subd. 2. **Restrictive procedures.** (a) Restrictive procedures may be used only  
1.9 by a licensed special education teacher, school social worker, school psychologist,  
1.10 behavior analyst certified by the National Behavior Analyst Certification Board, a person  
1.11 with a master's degree in behavior analysis, other licensed education professional,  
1.12 paraprofessional ~~under section 120B.363~~, or mental health professional under section  
1.13 245.4871, subdivision 27, who has completed the training program under subdivision 5.

1.14 (b) A school shall make reasonable efforts to notify the parent on the same day a  
1.15 restrictive procedure is used on the child, or if the school is unable to provide same-day  
1.16 notice, notice is sent within two days by written or electronic means or as otherwise  
1.17 indicated by the child's parent under paragraph (d).

1.18 (c) When restrictive procedures are used twice in 30 days or when a pattern emerges  
1.19 and restrictive procedures are not included in a child's individualized education program  
1.20 or behavior intervention plan, the district must hold a meeting of the individualized  
1.21 education plan team, conduct or review a functional behavioral analysis, review data,  
1.22 consider developing additional or revised positive behavioral interventions and supports,  
1.23 consider actions to reduce the use of restrictive procedures, and modify the individualized  
1.24 education plan or behavior intervention plan as appropriate. At the meeting, the team must

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2.1 review any known medical or psychological limitations that contraindicate the use of a  
2.2 restrictive procedure, consider whether to prohibit that restrictive procedure, and document  
2.3 any prohibition in the individualized education program or behavior intervention plan.

2.4 (d) An individualized education plan team may plan for using restrictive procedures  
2.5 and may include these procedures in a child's individualized education program or  
2.6 behavior intervention plan; however, the restrictive procedures may be used only in  
2.7 response to behavior that constitutes an emergency, consistent with this section. The  
2.8 individualized education program or behavior intervention plan shall indicate how the  
2.9 parent wants to be notified when a restrictive procedure is used.

2.10 **EFFECTIVE DATE.** This section is effective August 1, 2011.