

CORPORAL PUNISHMENT/USE OF PHYSICAL INTERVENTION AND RESTRAINT BY EMPLOYEES

Policy Number: Board File: JKA

To maintain a safe learning environment, district employees may, within the scope of their employment and consistent with state law, use physical intervention and restraint with students in accordance with this policy and accompanying regulation. Such actions shall not be considered child abuse or corporal punishment if performed in good faith and in compliance with this policy and accompanying regulation.

Physical Intervention

No corporal punishment shall be administered to any student by any district employee.

There are times within the scope of their employment, when it becomes necessary for staff to use reasonable and appropriate physical intervention with a student that does not constitute restraint as defined by this policy, to accomplish the following:

1. To quell a disturbance threatening physical injury to the student or others.
2. To obtain possession of weapons or other dangerous objects upon or within the control of the student.
3. For the purpose of self-defense.
4. For protection of persons against physical injury, or prevent the destruction of property which could lead to physical injury to the student or others.

Under no circumstances shall a student be physically held for five minutes or longer unless the provisions regarding restraint contained in the policy and accompanying regulation are followed.

Restraint

Restraint is defined by state law and this policy as any method or device used to involuntarily limit a student's freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals, and seclusion. Restraint shall not include the holding of a student for less than five minutes by a district employee for the protection of the student or others and other actions excluded from the definition of restraint in state law.

District employees shall not use restraint as a punitive form of discipline or as a threat to control or gain compliance of a student's behavior. District employees are also prohibited from restraining a student by use of a mechanical restraint or chemical restraint, as those terms are defined by applicable State Board of Education rules and this policy's accompanying regulation.

Restraint shall only be administered by district employees trained in accordance with applicable State Board of Education rules.

Exceptions

The restraint provisions in this policy and accompanying regulation shall not apply to:

1. Peace officers as defined by C.R.S. 16-2.5-101 et seq. who are acting within the scope of their employment or in accordance with C.R.S. 16-3-109; and
2. When the district is engaged in transporting a student from one facility or location to another facility or location when it is within the scope of the district's powers and authority to effect such transportation.

Adopted: September 7, 1982

Revised: October 5, 1993

Revised: August 7, 2001

Revised: September 21, 2010

LEGAL REFS.:

C.R.S. 18-1-703 use of physical force by those supervising minors

C.R.S. 18-6-401(1) definition of child abuse

C.R.S. 19-1-103 (1) definition of abuse and neglect

C.R.S. 22-2-107 (1)(a) and (1)(c) State board – power

C.R.S. 22-32-109.1(2)(a) adoption and enforcement of discipline code

C.R.S. 22-32-109.1(2)(a)(IV) policy required as part of safe schools plan

C.R.S. 22-32-109.1(9) immunity provisions in safe schools law

C.R.S. 26-20-101 et seq. Protection of Persons from Restraint Act

C.R.S. 26-20-108 Protection of Persons from Restraint Act Rules

1 CCR 301-45 State Board of Education rules for the Administration of the Protection of Persons from Restraint Act

CROSS REFS.:

JIC and sub-codes (all relate to student conduct)

JK and sub-codes (all relate to student discipline)

JKA-R Use of Physical Intervention and Restraint

JKA-E Student Restraint Incident Report Form