

## **USE OF PHYSICAL INTERVENTION AND RESTRAINT**

### **A. Definitions**

In accordance with Colorado law and the State Board of Education rules governing the Administration of the Protection of Individuals from Restraint and Seclusion Act, the following definitions apply for purposes of this regulation and accompanying policy.

1. Restraint is defined by state law and Policy JKA as any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, mechanical devices, and chemicals.
2. Physical restraint means the use of bodily, physical force to involuntarily limit an individual's freedom of movement for one (1) minute or more. "Physical restraint" does not include:
  - a. the use of protective or adaptive devices for providing physical support, or the prevention of injury, or voluntary or life-saving medical procedures;
  - b. a physical intervention with or holding of a student in a position other than a prone position for less than one (1) minute by a staff member for the protection of the student or others, including:
    - i. the minimal block of a student to prevent the student's unsafe contact with others or with unsafe circumstances;
    - ii. brief holding of a student by one adult for the purpose of calming or comforting the student;
    - iii. minimal physical contact for the purpose of safely escorting a student from one area to another; or
    - iv. minimal physical contact for the purpose of assisting the student in completing a task or response.
3. Prone restraint means a restraint in which the individual being restrained is secured in a prone (i.e. face-down) position. Nothing in this policy may be interpreted to permit the holding of a student in a prone position except in the limited circumstance when a student is openly displaying a deadly weapon as defined by State Board rule.<sup>1</sup>
4. Mechanical restraint means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of the student's body. "Mechanical restraint" does not include:

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<sup>1</sup> "Deadly weapon" is defined by State Board rule as "a firearm whether loaded or unloaded; a knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury." (1 CCR 301-45 at Subsection 2.00(3)).

- a. devices recommended by a physician, occupational therapist or physical therapist and agreed to by a student's IEP team or Section 504 team and used in accordance with the student's Individualized Education Program (IEP) or Section 504 plan;
  - b. protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student's IEP or Section 504 plan;
  - c. adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with a student's IEP or Section 504 plan, including but not limited to, a harness, seatbelt or stander; or
  - d. positioning or securing devices used to allow treatment of a student's medical needs.
5. Chemical restraint means administering medication to a student (including medications prescribed by the student's physician) on an as needed basis for the sole purpose of involuntarily limiting the student's freedom of movement. "Chemical restraint" does not include:
- a. prescription medication that is regularly administered to the student for medical reasons other than to restrain the student's freedom of movement (e.g. Asthma-cort, medications used to treat mood disorders or ADHD, Glucagon); or
  - b. the administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diastat).
6. Seclusion means the placement of a student alone in a room from which egress is involuntarily prevented. Unlike physical restraints, there is no minimum time limit associated with the definition of seclusion. Rather, if a student is placed alone in a room from which egress is involuntarily prevented for any amount of time, the duties and notification requirements associated with seclusion apply. "Seclusion" does not mean:
- a. placement of a student in residential services in the student's room for the night; or
  - b. time-out, which means the removal of the student from potentially rewarding people or situations. A time-out is not used primarily to confine the student, but to limit accessibility to reinforcement. In time-out, the student is not physically prevented from leaving the designed time-out area and is effectively monitored by staff.
7. Emergency means serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property. However, if property damage might be involved, restraint or seclusion may only be used when the destruction of property could possibly result in bodily harm to the individual or another person.
8. Bodily injury means physical pain, illness or any impairment of physical or mental condition as defined in C.R.S. 18-1-901(3)(c).
9. State Board Rules mean the State Board of Education rules governing the Administration of the Protection of Individuals from Restraint Act, 1 CCR 301-45.
10. Parent shall be the student's parent or legal guardian as defined by the State Board rules.

**B. Basis for use of restraint and seclusion**

Physical restraint and seclusion shall only be used:

1. In an emergency and with extreme caution; and
2. After:
  - a. the failure of less restrictive alternatives (such as positive behavior interventions and supports, constructive and non-physical de-escalation, and restructuring the environment); or
  - b. a determination that such alternatives would be inappropriate or ineffective under the circumstances.
3. Physical restraints and seclusion shall never be used as a form of discipline or to gain compliance from a student.
4. School personnel shall:
  - a. use physical restraint and seclusion only for the period of time when the emergency exists and using no more force than necessary; and
  - b. prioritize the prevention of harm to the student.

**C. Duties relating to the use of restraint and seclusion – general requirements**

When restraints or seclusions are used, the district shall ensure that:

1. Rooms within a district school building are not designated solely for the purpose of seclusion;
2. In the event a student is secluded consistent with district policy, the space where the child is secluded must have adequate lighting, ventilation, and size, and to the extent possible under specific circumstances, the space should be free of injurious items;
3. No restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
4. No restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;
5. Restraints and seclusions are only administered by district staff who have received training in accordance with the State Board rules;
6. Opportunities to have the restraint removed or seclusion concluded are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
7. When it is determined by trained district staff that the restraint or seclusion is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the restraint shall be removed or the seclusion concluded, and, in the case of seclusion, staff shall

reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student;

8. The student is continually monitored to ensure the student's physical safety;
9. For a student who was subject to a physical restraint or seclusion and who has a current Behavior Intervention Plan (BIP), a determination is made as to whether the BIP was implemented with fidelity within two (2) school days after the student was subject to the physical restraint or seclusion. If the BIP was not implemented with fidelity, appropriate measures must be taken to ensure that the BIP will be followed in the future which may include, but are not limited to, training, coaching, and monitoring;
10. Within 2 days of an incident in which a student was subject to a physical restraint or seclusion, whether or not the student has a BIP, there is a determination as to whether a Functional Behavioral Assessment (FBA) should be completed and a BIP created or revised. All FBAs and BIPs will be individualized and evidence-based;
11. Should any student with a disability be subjected to physical intervention, any accommodations or safeguards outlined in a student's IEP, Section 504 Plan, or Behavior Intervention Plan shall be provided and/or followed when utilizing physical restraint or seclusion; and
12. Should any student who is a multi-lingual learner be subjected to physical intervention, appropriate accommodations shall be provided and/or followed when utilizing physical restraint or seclusion.

**D. Proper administration of seclusion and specific restraints**

1. Chemical restraints shall not be used.
2. Prone restraint shall not be used by district staff, except when prone restraints are used on a student who is openly displaying a deadly weapon, as defined by State Board rule.
3. Mechanical restraints shall not be used, except that this provision may not apply to law enforcement officers in limited circumstances consistent with state law. In any involvement by law enforcement officers as a result of a student's school-related conduct, law enforcement officers will not be subject to supervision or direction by the School District.
4. Physical restraint
  - a. A person administering the physical restraint shall only use the amount of force necessary to stop the dangerous or violent actions of the student.
  - b. A restrained student shall be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised.
  - c. Physical restraint should only be implemented for the period of time when the emergency exists and if the emergency exists for an extended period of time, a student

must be released from physical restraint within fifteen (15) minutes after the initiation of the restraint, except when precluded for safety reasons.

5. Seclusion

- a. No room within a school building should be designated solely for the purpose of seclusion.
- b. In the event a student is secluded the following requirements must be met:
  - i. a secluded student shall be continually monitored;
  - ii. relief periods from seclusion shall be provided for reasonable access to toilet facilities; and
  - iii. any space in which a student is secluded shall have adequate lighting, ventilation and size. To the extent possible under the specific circumstances, the space should be free of injurious items.

**E. Advanced notification requirements**

1. If there is a reasonable probability that physical restraint or seclusion might be used with a particular student, appropriate school staff shall notify, in writing, the student's parents, and if appropriate, the student of:
  - a. the restraint and seclusion procedures (including types of restraints) that might be used;
  - b. specific circumstances in which physical restraint or seclusion might be used; and
  - c. staff involved.
2. For students with disabilities, if a parent requests a meeting with school personnel to discuss the notification, school personnel shall ensure that the meeting is convened.
3. The required notification may occur at the meeting where the student's behavior intervention plan or IEP is developed/reviewed.

**F. Incident notification and documentation requirements**

If any type of restraint or seclusion is used by any school employee or volunteer, the employee or volunteer must provide notice to the school administration as soon as possible to ensure that the Parent is notified the same day as the use of the restraint or seclusion.

**1. Notification and documentation of brief physical restraints (does not apply to seclusions)**

- a. For physical restraints lasting one (1) minute or more, but less than five (5) minutes, or for consecutive restraints each of which lasts less than one (1) minute (multiple restraints following closely one after the other), the school shall provide parents written notice on the day of the restraint(s), which shall include the following:
  - i. The name of the student;
  - ii. The date; and

- iii. The number of restraints that day that lasted between one (1) minute and five (5) minutes and/or the number of consecutive restraints each of which lasted less than one (1) minute.
- b. A copy of the written notice described above shall be placed in the student's educational record and forwarded to the Building Principal or administrator designee.
- c. Within one (1) school day, the staff and volunteer(s) involved shall submit a written report regarding the incident to the school administration via email, including the information listed in F.1.a.
- d. If there were multiple physical restraints on the same day and one lasted five minutes or more, the Parent shall be informed that they will receive a more detailed written report regarding the longer physical restraint(s) within five (5) calendar days.

**2. Notification and documentation of other physical restraints and of seclusions**

- a. For all physical restraints lasting five (5) minutes or more and for all seclusions, the Building Principal or administrator designee shall verbally or in writing notify the student's parents as soon as possible, but no later than the end of the school day, that the physical restraint or seclusion was used.
- b. Within one (1) school day, the staff and volunteer(s) involved shall submit a written report regarding the incident to the school administration including the information listed in F.1.a.
- c. Within two (2) school days, appropriate school staff, including Building Principal or administrator designee, shall meet to review the incident. This review shall include, but is not limited to:
  - i. Review of the incident, including review of the written report submitted by the staff involved and any related documentation to ensure the use of proper procedures and alternative strategies and to minimize future use of restraint and/or seclusion;
  - ii. Recommendations for adjustment of procedures, if appropriate; and
  - iii. Ensuring there is follow-up communication with the student and student's family.
- d. A written report based on the findings of the review shall be emailed, faxed, or mailed to the student's parent within five (5) calendar days of the use of restraint or seclusion. The written report shall include:
  - i. The antecedent to the student's behavior if known;
  - ii. A description of the incident;
  - iii. Efforts made to de-escalate the situation;
  - iv. Alternatives that were attempted;
  - v. The type and duration of the restraint or seclusion used;
  - vi. Injuries that occurred, if any;
  - vii. The staff present and staff involved in administering the restraint or seclusion; and

- viii. The training received by staff involved related to the administration of restraint or seclusion such as CPI training.
- e. The requirements regarding a review meeting and written report also applies to use of restraint by armed security or certified peace officers employed by the district.
- f. A copy of the written report shall be placed in the student's educational record and forwarded to the District Behavior Coordinator or designee.

### **G. Central Database**

The district will maintain a central database that captures relevant information on seclusions and restraints, including information from reports and debriefs of the incident.

### **H. Annual Review Process**

1. The district shall establish, conduct and document an annual review of restraints and seclusions in the District. Such annual review shall be documented in writing at least annually in accordance with the State Board of Education Rule.
2. The purpose of the annual review is to ensure that the district is properly administering restraint and seclusion, identifying training needs, minimizing and preventing the use of restraint and seclusion by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff.
3. The annual review shall include, but is not limited to, an analysis of:
  - a. incident reports prepared pursuant to this regulation JKA-R and including, but not limited to analysis of the procedures used during the incident, preventative or alternative techniques tried, staff documentation, and staff review and communication with families;
  - b. training needs of staff;
  - c. staff to student ratios; and
  - d. environmental considerations, including physical space, student seating arrangements and noise levels.
4. Based on this annual review, the district will prepare a written report that includes an analysis of the data and records reviewed and documents the number of students experiencing physical restraints and seclusions for the year.
  - a. For physical restraints, the report will include:
    - i. the total number of physical restraints lasting one minute or more but less than five minutes;
    - ii. the total number of restraints lasting five minutes or more;
    - iii. the number of students who experienced at least one restraint lasting one minute or more but less than five minutes; and
    - iv. the number of students who experienced at least one restraint lasting five minutes or more.



- b. For seclusions, the report will include:
  - i. the total number of seclusions; and
  - ii. the number of students who experienced at least one seclusion.
- c. The report will also include information for mechanical and prone restraints, if any, that were administered by armed security or certified peace officers employed by the district.
- d. Information from the report which is required to be submitted to the Colorado Department of Education shall be sent no later than June 30 every year consistent with the rules adopted by the State Board of Education.

#### **I. Staff training**

1. The district shall ensure that staff utilizing restraint and seclusion in schools is trained in accordance with the State Board rules.
2. Training shall include:
  - a. a continuum of prevention techniques;
  - b. environmental management;
  - c. a continuum of de-escalation techniques;
  - d. nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
  - e. methods to explain the use of restraint and seclusion to the student who is to be restrained and/or secluded and to the student's family; and
  - f. appropriate documentation and notification procedures.
3. Retraining shall occur as frequently as required by the district approved training provider.
4. For each training required by this Policy, the district will maintain an attendance log reflecting the following:
  - a. the title of the training;
  - b. a description of the training;
  - c. the date of the training;
  - d. the name and title of the instructor of the training;
  - e. the names and titles of attendees; and
  - f. the schools where the attendees work.



Adopted: September 21, 2010

Revised: \_\_\_\_\_

**LEGAL REFS.:**

C.R.S. 26-20-101 et seq. ( Protection of Individuals from Restraint and Seclusion Act)

C.R.S. 26-20-108 (Protection of Individuals from Restraint and Seclusion Act Rules)

C.R.S. 26-20-111 (use of restraints in public schools – certain restraints prohibited)

C.R.S. 22-32-147 (use of restraint on students)

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

**CROSS REFS.:**

AC, AC-R-1 (relating to Nondiscrimination/Equal Opportunity)

JKA, Use of Physical Intervention and Restraint

JKA-E, Student Restraint Incident Report Form

KE, Concerns and Complaints

First Reading (Amended)