

## USE OF PHYSICAL INTERVENTION AND RESTRAINTS

In dealing with disruptive students, any person employed by Colorado Springs School District 11 (the District) may, within the scope of his or her employment, use reasonable and appropriate physical intervention or force as necessary. An employee of the District is protected by the Colorado Governmental Immunity Act from claims arising out of injuries sustained from an act or omission of the employee occurring during the performance of his or her duties and within the scope of his or her employment, except where such act or omission is willful and wanton.

### 1. Application

In the case of special education or qualified 504 students, staff who use physical intervention or force will strive to ensure that such intervention or force complies with the student's individualized education plan ("IEP") or 504 plan, including any behavior plan that includes possible restraints. In developing an IEP or behavior plan, staff will ensure that any physical intervention or force referenced therein is in accordance with state law.

### 2. Corporal Punishment

Consistent with state law and Colorado Springs School District 11 Board of Education (the Board) policy, corporal punishment will not be administered to students by anyone in the District.

### 3. Physical Intervention Other Than Restraint

Persons employed by the District may use reasonable and appropriate physical intervention or force in the scope of their employment as necessary for the following purposes:

- To prevent a student from an act of wrong-doing.
- To quell a disturbance threatening physical injury to others.
- To obtain possession of weapons or other dangerous objects upon a student or within the control of a student.
- For the purpose of self-defense.
- For the protection of persons or property.
- To maintain discipline.

Under no circumstances, however, may a student be physically held for more than 5 minutes unless the provisions regarding restraint below are followed.

### 4. Restraint Categories and Definitions

"Restraint" is any method or device used to involuntarily limit freedom of movement, including but not limited to, bodily physical force, mechanical devices, chemicals and seclusion. Restraint may be used only by District staff trained in the appropriate use of restraint.

- “Physical Restraint” means the use of bodily, physical force to involuntarily limit a student’s freedom of movement. “Physical Restraint’ does not include:
    - Holding of a student for less than five minutes by a staff member for the protection of the student or others;
    - Brief holding of a student by one staff member for the purpose of calming or comforting the student;
    - Minimal physical contact for the purpose of safely escorting a student from one area to another; or
    - Minimal physical contact for the purpose of assisting the student in completing a task or response.
  - “Chemical Restraint” means administering medication to a student (including medications prescribed by his or her physician) on an as-needed basis for the sole purpose of involuntarily limiting the student’s freedom of movement. Chemical restraints shall not be used by District staff. Chemical restraint does not include:
    - Prescription medication that is regularly administered to the student for medical reasons rather than to restrain the student’s freedom of movement (e.g. Asthma-Cort, medications to treat mood disorders or ADHD, or Glucagon); or
    - The administration of medication pursuant to applicable law, or administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens or Diastat).
  - “Mechanical Restraint” means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of his or her body. Mechanical restraints shall not be used by District staff, except:
    - Mechanical restraints may be used by any District staff on a student who is openly displaying a deadly weapon (see CCR 301-45);
    - Mechanical restraints may also be used by an armed District 11 security officer, regardless of whether a deadly weapon is being displayed by the student, but the officer must:
      - 1) have received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone hold; and
      - 2) have made a referral to a law enforcement agency.
- “Mechanical Restraint’ does not include:
- Devices recommended by a physician, occupational therapist, or physical therapist and agreed to by a student’s IEP Team or 504 Team and used in accordance with the student’s IEP or 504 Plan;

- Protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student's IEP or 504 Plan;
  - 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 504 Plan; or
  - Positioning or securing devices used to allow treatment of a student's medical needs.
- The state of Colorado defines "Seclusion" as the placement of a student alone in a room from which egress is involuntarily prevented. The District does not allow Seclusion.
  - "Retreat" is the placement of a student in a room with another person. Placement of a student in a room with another person is not seclusion, even if egress is involuntarily prevented. To the extent the student is placed in retreat with someone other than a staff member, the student must be continuously monitored by a staff member.
  - "Time-out" is the removal of a student from potentially rewarding people or situations. A time-out is not used primarily to confine the student, but to limit accessibility to reinforcement. A time-out is not seclusion. In a time-out, the student is not physically prevented from leaving the designated time-out area. The time-out procedure also requires effective monitoring by staff.
  - "Prone Restraint" means a restraint in which the individual who is being restrained is secured in a prone position (facedown position). Prone restraints shall not be used by District staff, except:
    - Prone restraints may be used by any District staff on a student who is openly displaying a deadly weapon;
    - Prone restraints may also be used by an armed District 11 security officer, regardless of whether a deadly weapon is being displayed by the student, but the officer must:
      - 1) have received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone hold; and
      - 2) have made a referral to a law enforcement agency.

5. Basis for Use of Restraint

Staff may use restraint only in cases of emergency and with extreme caution after the failure of less restrictive alternatives (such as positive behavior supports, constructive and non-physical de-escalation, and re-structuring the environment) or after the staff member determines that such alternatives would be inappropriate or ineffective under the circumstances.

“Emergency” means a 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.

“Bodily injury” means physical pain, illness or any impairment of physical or mental conditions as defined in C.R.S. § 18-1-901(3)(c).

Staff will:

- Use restraint only for the period of time necessary and use no more force than is necessary; and
- Prioritize the prevention of harm to the student.

Restraints must never be used as a punitive form of discipline or as a threat to control or gain compliance of a student’s behavior.

#### 6. Duties Relating to the Use of Restraint

When restraints are used, staff will strive to ensure that:

- No restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
- No restraint is administered in such a way that places excess pressure on the student’s chest, back, or causes positional asphyxia (“positional asphyxia” means an insufficient intake of oxygen as a result of body position that interferes with one’s ability to breathe);
- Restraints are administered only by staff who have received training in accordance with this regulation;
- Opportunities to have the restraint removed are provided to the student who indicates that he or she is willing to cease the violent or dangerous behavior;
- When it is determined by trained staff that the restraint is no longer necessary to protect the student or others (*i.e.* the emergency no longer exists), the restraint must be removed.
- In the case of retreat, staff must reintegrate the student or clearly communicate to the student that he or she is free to leave the area used for the student’s retreat; and
- The student is reasonably monitored to ensure the student’s physical safety.

#### 7. Proper Administration of Specific Restraints

“Chemical restraints” will not be used by any District staff person.

"Physical restraint"

- A staff member administering a physical restraint must use only the amount of force necessary to stop the dangerous or violent actions of the student.

- A restrained student must be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised.
- A student will be released from a physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.

“Mechanical Restraints” will not be used by District staff, except in instances when a student is openly displaying a deadly weapon, or when used by armed security officers as described on page 2 above.

“Retreat”

- Relief periods from retreat will be provided for reasonable access to toilet facilities; and
- Any space in which a student retreats must have adequate lighting, ventilation, and size. To the extent possible, under the specific circumstances, the space should be free of injurious items.

“Prone Restraints” will not be used by District staff, except when a student is openly displaying a deadly weapon, or when used by armed security officers as described on page 3 above.

## 8. Staff Training

Staff members, who are likely to be in situations where restraint might be necessary, will receive in-service training on the appropriate use of restraint. The principal or designee will schedule the training with the District’s Professional Development Office. The Professional Development Office will conduct all staff trainings. The training will include the following:

- A continuum of prevention techniques;
- Environmental management;
- A continuum of de-escalation techniques;
- 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;
- Methods to explain the use of restraint to the student who is to be restrained and to the student’s family;
- Appropriate documentation and notification procedures; and
- Re-training at a frequency of at least every two years.

## 9. Documentation, Notification and Review

If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff must notify, in writing, the parent/guardian and, if appropriate, the

student of the restraint procedures (including types of restraints) that might be used; specific circumstances in which restraint might be used; and staff involved (See Exhibit JKA-E-1). For students with disabilities, if the parent/guardian requests a meeting with school staff to discuss the notification, such staff must ensure that the meeting is convened. This notification may occur at the meeting where the student's Behavior Plan or IEP is developed/reviewed.

Either the principal or his or her designee must verbally notify the parent/guardian as soon as possible, but no later than the end of the school day that the restraint was used.

If restraints are used, no later than one (1) school day (*i.e.* any day or partial day that students are in attendance at school or at sponsored events) after restraint is used, the staff member will complete Exhibit JKA-E-2, Use of Restraint Report, and deliver it to the principal (or the principal's designee). The principal will complete his or her portion of the Use of Restraint Report and send a copy of the report to the District's Risk Related Activities Office and to the Assistant Superintendent of Personnel Support Services with any additional documentation as a result of the principal's review. The principal will review the use of restraint to ascertain that appropriate procedures were followed and to minimize the future use of restraint. The review shall include, but is not limited to:

- Staff review of the incident;
- Follow up communication with the student and his or her family or legal guardian;
- Review of the documentation to ensure use of alternative strategies; and
- Recommendations for adjustment of procedures, if appropriate.

If requested by the District or the parent/guardian of the student, the District will convene a meeting to review the incident. For students with IEPs or 504 Plans, such a review may occur through the IEP or 504 process.

A written report based on the findings of the staff review referenced above, must be emailed, faxed, or mailed to the parent/guardian within five (5) calendar days of the use of restraint. The written report of the use of restraint must include:

- The antecedent to the student's behavior, if known;
- A description of the incident;
- Efforts made to de-escalate the situation;
- Alternatives that were attempted;
- The type and duration of the restraint used;
- Injuries that occurred, if any; and
- The staff present and staff involved in administering the restraint.

The Use of Restraint Report (JKA-E-2) may be used as the “written report” required to be sent to the parent/guardian, as described above.

A copy of the written report will be placed in the student’s confidential file, and copies will be sent to the Assistant Superintendent of Personnel Support Services, the Executive Director of Special Education, and the Director of Risk Related Activities.

The Assistant Superintendent of Personnel Support Services or his or her designee will, on an annual basis, perform a general review of the use of restraint. (See Exhibit JKA-E-3.) The purpose of the general review is to ascertain that the District is properly administering restraint, to identify additional training needs, to minimize and prevent the use of restraint by increasing the use of positive behavior interventions, and to reduce the incidence of injury to students and staff. The review will include but is not limited to:

- Analysis of incident reports and reports based on the findings of the staff review of such incidents, including but not limited to procedures used during the restraint, preventative or alternative techniques tried, documentation and follow-up;
- Training needs of staff;
- Staff to student ratio; and
- Environmental considerations, including physical space, student seating arrangements, and noise levels.

#### 10. Exceptions

The provisions of this regulation governing restraint do not apply to “Peace Officers,” as defined in 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. Employees assigned to the District’s Security Department and/or as school security officers are not “Peace Officers,” and they are therefore subject to the requirements of this regulation.

The provisions of this regulation governing restraint also do not apply to the District while 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 March 2003  
Revised December 2006  
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Revised October 2008  
Revised April 2010  
Reviewed June 5, 2012  
Reviewed October 14, 2015  
Revised October 24, 2018

LEGAL REFS.:       1 CCR 301-45 (2620-R-1.00 through 2.07(9))  
                          C.R.S. § 16-2.5-101 (peace officers)  
                          C.R.S. § 16-3-109 (peace officers – authority to make arrests while off  
                          duty)  
                          C.R.S. § 18-1-901(3)(c) (“bodily injury” – defined)

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. § 19-3-103 (1) (definition of abuse and neglect)  
C.R.S. § 22-32-109.1 (2) (a) (adoption and enforcement of discipline code)  
C.R.S. § 24-10-101, *et seq.* (Governmental Immunity Act)  
C.R.S. § 26-20-101, *et seq.* (protection of persons from restraint)

CONTRACT REFS.: CSEA Master Agreement