File: JKA-R

Use of Physical Intervention and Restraint

A. Definitions

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

1. "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force and seclusion.

2. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement. "Physical restraint" does not include:

a. holding of a student for less than one minute by a staff person for the protection of the student or others;
b. brief holding of a student by one adult for the purpose of calming or comforting the student;
c. minimal physical contact for the purpose of safely escorting a student from one area to another; or
d. minimal physical contact for the purpose of assisting the student in completing a task or response.

3. "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:

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; or
d. positioning or securing devices used to allow treatment of a student's medical needs.

4. "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).

5. "Prone restraint" means a restraint in which the student being restrained is secured in a prone (i.e., face-down) position.

6. "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. "Seclusion" does not mean:

a. placement of a student in residential services in the student's room for the night; or
b. time-out.

7. "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. In time-out, the student is not physically prevented from leaving the designated time-out area and is effectively monitored by staff.

8. "Emergency" means serious, probable, imminent threat of bodily injury to self or others with the present ability to affect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property.

9. "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).

10. "State Board Rules" mean the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act, 1 CCR 301-45.

11. "Parent" shall be as defined by the State Board rules.

B. Basis for use of restraint

Restraints 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 Supports, constructive and non-physical de-escalation, and re-structuring the environment); or
b. a determination that such alternatives would be inappropriate or ineffective under the circumstances.

3. Restraints shall never be used as a form of discipline or to control or gain compliance of a student.

4. BOCES personnel shall:

a. use restraints only for the period of time necessary and using no more force than necessary; and
b. prioritize the prevention of harm to the student.

C. Duties related to the use of restraint – general requirements

When restraints are used, the BOCES shall ensure that:

1. no restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;

2. no restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;

3. restraints are only administered by BOCES staff who have received training in accordance with the State Board rules;

4. opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;

5. when it is determined by trained BOCES staff that the restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the restraint shall be removed; and

6. the student is reasonably monitored to ensure the student's physical safety.

Additionally, 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.

D. Proper administration of specific restraints

1. Chemical restraints shall not be used.

2. Mechanical and prone restraints shall not be used, except in the limited circumstances permitted by state law and described as exceptions in the accompanying policy.

3. 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. A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.

4. Seclusion

a. Relief periods from seclusion shall be provided for reasonable access to toilet facilities.
b. Any space in which a student is secluded shall have adequate lighting, ventilation and size and shall not be any space used by school staff for storage, custodial purposes, or office space.
c. Any space used for student seclusion must have at least one window to monitor students when the door is closed. If an adequate space with a window is not feasible, video camera monitoring must be possible. Continuous monitoring is required throughout the time a student is secluded.
d. The space must be a safe space free of injurious items.

E. Notification requirements

1. If there is a reasonable probability that restraint might be used with a particular student, appropriate BOCES staff shall notify, in writing, the student's parents, and, if appropriate, the student of:

a. the restraint procedures (including types of restraints) that might be used;
b. specific circumstances in which restraint might be used; and
c. staff involved.

2. For students with disabilities, if the parents request a meeting with BOCES personnel to discuss the notification, BOCES personnel shall ensure that the meeting is convened.

3. The required notification may occur at the meeting where the student's behavior plan or IEP is developed/reviewed.

F. Documentation requirements

1. If restraints are used, a written report shall be submitted within one school day to BOCES administration.

2. The BOCES principal or designee shall verbally notify the parents as soon as possible but no later than the end of the school day that the restraint was used.

3. If a student is restrained for more than one, but less than five minutes, written notice must be given to the student's parent or legal guardian on the day of the restraint. The written notice shall include the date of restraint, student's name, and the number of times the student was restrained that day.

4. If the student is restrained for five minutes or more, a written report based on the findings of the staff review required by paragraph G. below shall be emailed, faxed or mailed to the student's parent within five calendar days of the use of restraint. The written report of the use of restraint shall include:

a. the antecedent to the student's behavior if known;
b. a description of the incident;
c. efforts made to de-escalate the situation;
d. alternatives that were attempted;
e. the type and duration of the restraint used;
f. injuries that occurred, if any; and
g. the staff present and staff involved in administering the restraint.

5. A copy of the written report on the use of restraint shall be placed in the student's confidential file.

G. Review of specific incidents of restraint

1. The BOCES shall ensure that a review process is established and conducted for each incident of restraint used. The purpose of this review shall be to ascertain that appropriate procedures were followed and to minimize future use of restraint.

2. The review shall include, but is not limited to:

a. staff review of the incident;
b. follow up communication with the student and the student's family;
c. review of the documentation to ensure use of alternative strategies; and
d. recommendations for adjustment of procedures, if appropriate.

3. If requested by the BOCES or the student's parents, the BOCES shall convene a meeting to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

H. General review process

1. The BOCES shall ensure that a general review process is established, conducted and documented in writing at least annually. The purpose of the general review is to ascertain that the BOCES is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff.

2. The review shall include, but is not limited to:

a. analysis of incident reports, including all reports prepared pursuant to paragraphs F.1 and F.3 above and including, but not limited to, procedures used during the restraint, preventative or alternative techniques tried,

documentation, and follow up;
b. training needs of staff;
c. staff to student ratio; and
d. environmental conditions, including physical space, student seating arrangements and noise levels.

I. Staff training

1. The BOCES shall ensure that staff utilizing restraint in schools are 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 to the student who is to be restrained and to the student's family; and
f. appropriate documentation and notification procedures.

3. Retraining shall occur at a frequency of at least every two years.

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