



Boulder Valley School District

File: JKA-R

Adopted: April 23, 2003

Revised: July 26, 2010 and April 24, 2018, January 8, 2019,

August 22, 2023, April 23, 2024

USE OF PHYSICAL INTERVENTION AND RESTRAINT

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. "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).
2. "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).
3. "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.
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:
 - 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.

5. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement. "Physical restraint" does not include:
 - a. physical intervention or holding of a student for less than one (1) 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, not to include holding a student in a prone position;
 - c. minimal physical contact for the purpose of safely escorting a student from one area to another;
 - d. minimal physical contact for the purpose of assisting the student in completing a task or response.

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

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

8. "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.

9. "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.

10. "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.

A. Basis for Use of Restraint

Restraints shall only be used in an emergency, with extreme caution; and after:

1. the failure of less restrictive alternatives (such as Positive Behavior Supports, constructive and non-physical de-escalation, and re-structuring the environment); or
2. a determination that such alternatives would be inappropriate or ineffective under the circumstances.

School personnel shall:

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

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

B. General Duties Related to the Use of Restraint

When restraints are used, the School District 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 trained School District staff;
4. opportunities to have the restraint removed are provided to the student who indicates willing to cease the behavior creating an emergency;
5. the restraint is removed when trained School District staff determine that the restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists); and
6. the student is reasonably monitored to ensure the student's physical safety.

C. Proper Administration of Specific Restraints

Chemical restraints shall not be used.

Mechanical and prone restraints shall not be used, except in the exceptions in the policy for dangerous weapons and certain officers in accordance with C.R.S. § 26-20-111(3); and when a student is openly displaying a deadly weapon, as defined in C.R.S. § 18-1- 901(3)(e).

Physical restraint requires:

1. a person administering the physical restraint shall only use the amount of force necessary to stop the emergency created by the actions of the student.
2. a student may not be held on the ground.
3. a restrained student shall be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised.
4. a student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when the student's behavior continues to create an emergency.

Seclusion requires:

1. staff to reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student.
2. relief periods from seclusion shall be provided for reasonable access to toilet facilities; and
3. any space in which a student is secluded shall have adequate lighting, ventilation and size.
4. to the extent possible under the specific circumstances, the space should be free of injurious items.
5. If a seclusion room is used, it must be specially equipped with at least one window for monitoring when the door is closed or a video camera. Regardless of method, a student placed in a seclusion room must be continually monitored. The room must be a safe space free of injurious items, and must not be a room that is

used by school staff for storage, custodial, or office space.

D. Notification Requirements

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

1. the restraint procedures (including types of restraints) that might be used;
2. specific circumstances in which restraint might be used; and
3. staff involved.

For students with disabilities, if the parents/guardians request a meeting with school personnel to discuss the notification, school personnel shall ensure that the meeting is convened. The required notification may occur at the meeting where the student's behavior plan or IEP is developed/reviewed.

E. Documentation Requirements

If any type of restraint is used, the employee must provide notice to the school administration as soon as possible.

The employee shall submit a written report within one school day to school administration.

The school principal or designee shall notify the parents/guardians verbally or in writing as soon as possible but no later than the end of the school day that a restraint was used.

For a physical restraint on a student that lasts one minute or more but less than five minutes, a parent/guardian must be notified on the day of the physical restraint in writing, including the date, the student's name, and the number of physical restraints that lasted one minute or more but less than five minutes (1:00-4:59 minutes).

If there were multiple physical restraints and one restraint lasted five minutes or more, the parent/guardian shall be informed that they will receive a more detailed written report regarding the longer physical restraint(s) within five calendar days.

For restraints lasting five minutes or more administered by any School District employee, the school administration shall complete a written report based on the findings of the staff review required by paragraph G. below and shall e-mail or mail the report to the student's parent/guardian within five calendar days of the use of restraint. The written report of the use of restraint shall include:

1. the antecedent to the student's behavior if known;
2. a description of the incident;
3. efforts made to de-escalate the situation;
4. alternatives that were attempted;
5. the type and duration of the restraint used;

6. injuries that occurred, if any; and
7. the staff present and staff involved in administering the restraint.

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

F. Review of Specific Incidents of Restraint

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

1. staff review of the incident;
2. follow up communication with the student and the student's family;
3. review of the documentation to ensure use of alternative strategies; and
4. recommendations for adjustment of procedures, if appropriate.

If requested by the School District or the student's parents/guardians, the School District 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.

G. General Review Process

The School District shall ensure that a general review process is established, conducted and documented in writing at least annually in accordance with applicable law. The purpose of the general review is to ascertain that the School District 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.

The review shall include, but is not limited to:

1. analysis of incident reports, including but not limited to, procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
2. training needs of staff;
3. staff to student ratio; and
4. environmental conditions, including physical space, student seating arrangements and noise levels.

H. Staff Training

The School District shall ensure that staff utilizing restraint in schools are trained in accordance with the State Board rules. Training shall include:

1. a continuum of prevention techniques;
2. environmental management;
3. a continuum of de-escalation techniques;
4. 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;
5. methods to explain the use of restraint to the student who is to be restrained and to the student's family; and
 6. appropriate documentation and notification procedures.

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

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