

Decision of the Colorado Department of Education
Under the Protection of Individuals from Restraint and Seclusion Act (PPRA)

State Complaint SC2026-901
[Facility School]

DECISION

INTRODUCTION

On February 20, 2026, an attorney (“Complainant”) representing the parent (“Parent”) of a student (“Student”) filed a state complaint (“Complaint”) against [Facility School] (“Facility School”). The Colorado Department of Education (“CDE”) determined that the Complaint identified allegations subject to its jurisdiction under the Protection of Individuals from Restraint and Seclusion Act (“PPRA”)¹ and its implementing regulations, the Rules for the Administration of the Protection of Persons from Restraint Act (“PPRA Rules”).² See PPRA Rule 2.07. Therefore, the CDE has jurisdiction to resolve the Complaint.

The CDE’s goal in state complaint investigations is to improve outcomes for students and promote positive parent-school partnerships. A final written decision serves to identify areas for professional growth, provide guidance for implementing PPRA requirements, and draw on all available resources to enhance the quality and effectiveness of education services.

RELEVANT TIME PERIOD

The CDE has the authority to investigate alleged noncompliance that occurred not more than one year prior to the date the Complaint was properly filed. PPRA Rule 2.07(2)(f). Accordingly, findings of noncompliance shall be limited to events occurring on or after February 20, 2025. Information prior to that date may be considered to fully investigate all allegations.

SUMMARY OF COMPLAINT ALLEGATIONS

The Complaint raises the following allegations subject to the CDE’s jurisdiction under PPRA Rule 2.07:

1. Facility School did not properly restrain Student on August 18, 2025 and September 25, 2025 because:

¹ The Protection of Individuals from Restraint and Seclusion Act, C.R.S. § 26-20-101 *et seq.*, was previously titled the Protection of Persons from Restraint Act and referred to as the “PPRA.” This acronym lives on despite amendment of the Act’s title.

² The PPRA Rules are codified at 1 C.C.R. 301-45.

- a. It used restraint in a non-emergency and without extreme caution, as prohibited by PPRA Rule 2.01(1)(a);
- b. It did not first use less restrictive alternatives or determine that less restrictive alternatives would be inappropriate or ineffective under the circumstances, as required by PPRA Rule 2.01(1)(b); and
- c. It did not provide proper notification and documentation of the use of restraint, as required by PPRA Rule 2.04(2)(c)-(e).

FINDINGS OF FACT

After thorough and careful analysis of the entire Record,³ the CDE makes the following findings of fact (“FF”):

A. Background

1. Student is twelve years old and attended Facility School from August 11, 2025 to September 25, 2025. *Exhibit 2; Interview with Parent.*
2. Student is intelligent and a creative problem solver who loves to build and design things. *Interviews with Parent, Student’s teacher at Facility School (“Teacher”), Facility School’s principal (“Principal”), and Facility School’s intervention specialist (“Intervention Specialist”); Exhibit 1, p. 4.* Outside of school, he enjoys video games and working with animals. *Id.*
3. This investigation concerns incidents which occurred on August 18, 2025, and September 25, 2025 at Facility School. *Complaint; Response.* On those dates, Parent alleges that Student was improperly restrained, and that Facility School did not appropriately document its use of restraint. *Complaint, p. 3-4.*

B. Facility School’s Policies, Procedures and Practices

4. Principal described that Facility School directs its staff to use physical restraint only as a last resort, in emergency situations where there is an imminent danger to the student or others, and only after other responses have proved ineffective. *Interview with Principal.* When physical restraint is necessary, it must be applied as briefly as possible and follow best practice guidelines. *Id.*
5. Facility School’s written policies describe that it implements a school-wide behavioral framework called “Positive Behavioral Interventions and Supports” which guides all staff actions in response to student behavior. *Exhibit 1, pp. 1-6.* This framework emphasizes that

³ The appendix, attached and incorporated by reference, details the entire Record.

all staff members are responsible for providing behavioral supports designed to reduce reliance on crisis-based interventions including physical management of students. *Id.* at p. 2.

6. Facility School's written policies also include a "Crisis Prevention and Intervention Policy" describing the use of physical restraints. *Id.* at pp. 194-201. In relevant part, this policy describes that staff members will "only use physical restraint in situations where the student's behavior presents as a danger to self or others and all other behavior techniques and strategies are exhausted," and "will utilize the least restrictive technique necessary" to address the danger. *Id.* at pp. 195-196. The policy further describes that staff involved in the use of a physical restraint will document information related to the restraint. *Id.* at pp. 199-200.
7. Facility School's employee handbook addresses the subject of physical restraints, noting that they "are a last resort and may only be used when a student poses a danger to themselves, others, or in defense of property. Under no circumstances may a therapeutic hold be used as punishment or retaliation." *Id.* at p. 49.
8. Principal described that all staff at Facility School, regardless of their level of contact with students, are required to undergo training in the use of crisis prevention techniques endorsed by the Crisis Prevention Institute ("CPI"). *Interview with Principal.*
9. Facility School employs Intervention Specialist, who has been certified by CPI to train others in CPI's Nonviolent Crisis Intervention ("NCI") curriculum. *Exhibit G*, p. 7. Intervention Specialist oversees Facility School's student behavioral interventions and supervises Facility School's paraprofessionals. *Interviews with Principal and Intervention Specialist.*
10. Principal described that at the start of the school year, during the week before students arrive at Facility School, all staff undergo several days of training in the NCI curriculum. *Interview with Principal. Teacher*, along with the three paraprofessionals involved in the August and September 2025 incidents, each possess an active certificate in NCI. *Exhibit G*, pp. 1-6
11. Facility School's policies describe that when a physical restraint is used on a student, staff should document the incident in a report which contains: the student's name; the date, start time, total intervention time, and total physical restraint time; the location; a description of the intervention; a description of less-restrictive alternatives attempted; antecedent events; a description of the student behavior that was a danger to self or others; a list of observers; and the time and method of parent notification of the restraint. *Exhibit I*, pp. 199-200.
12. Principal described that when a physical restraint occurs, the student's case manager should contact the student's parent by the end of the school day to inform them of the use of a restraint. *Interview with Principal.* In addition, he stated that the case manager should document the incident in the student's daily report to parents and the student's behavior log. *Id.*

C. The August 18, 2025 Incident

13. Teacher described that during her English and language arts lesson the morning of August 18, 2025, Student refused to engage in classwork and began scribbling on his worksheet. *Interview with Teacher*. Following several attempts at redirection by Teacher, Student asked to go to Facility School's sensory room. *Id.* Teacher told Student he would need to wait for the classroom paraprofessional to return and take him to the sensory room. *Id.*
14. Around 11:05 a.m., Student left the classroom on his own to go to the sensory room. *Id.* When the paraprofessional returned a few moments later, Teacher asked the paraprofessional to supervise her class and followed Student to the sensory room. *Id.*
15. The sensory room is a small classroom in Facility School containing a number of sensory-friendly activities and objects for students to use to regulate. *Interviews with Principal and Teacher*. Notably, the sensory room contains a swing at its center that many students like to use when visiting the room. *Id.*
16. When Teacher arrived in the sensory room, she saw that two paraprofessionals ("Paraprofessionals A and B") were present and that Student had begun using the swing. *Interview with Teacher*.
17. Student's Behavioral Intervention Plan lists behavioral strategies, including that he should be offered choices for how to comply with instructions, provided "extra wait time [...] to process and comply with the task demand," and provided with transition warnings and timers when transitioning from preferred activities. *Exhibit 4*, pp. 6-7. Teacher set a timer for Student to use the swing and provided him with choices for returning to the classroom. *Interview with Teacher; Exhibit J*, p. 3. Student refused to leave the sensory room following the elapsing of several timers and began to stand up on the swing. *Id.*
18. Teacher and Principal described the act of standing on the sensory swing as an unsafe behavior that risks injury to the student. *Interviews with Teacher and Principal*.
19. In response, Paraprofessionals A and B looped their arms under Student's armpits to assist him in dismounting the swing, and maintaining that position, brought Student to a nearby support room. *Interview with Teacher*. Teacher's description of the method Paraprofessionals A and B used to bring Student to the support room aligns with Intervention Specialist's description of an "escort," a minimally restrictive action by which Facility School staff bring a student from one location to another. *Interview with Intervention Specialist*.
20. Teacher described that although the Paraprofessionals' arms were looped into Student's, Student was not being carried but was walking under his own power. *Interview with Teacher*.
21. The incident report described Paraprofessionals' escort of Student to the support room as lasting one minute. *Exhibit J*, p. 3.

22. Facility School contains several support rooms, which are rooms with soft mats on the floor where students can work with staff members to de-escalate. *Interviews with Principal and Intervention Specialist*. A review of Facility School's floorplan shows the support room to which Student was escorted is located directly across the hallway from the sensory room. *Exhibit N*. Given these facts, the CDE finds that the escort of Student from the sensory room to the support room took approximately one minute.
23. Student de-escalated with Paraprofessionals A and B, and at approximately 11:20 a.m., willingly returned to Teacher's classroom, where he successfully engaged with the remainder of the day's activities. *Interview with Teacher*.
24. Teacher documented her impressions of the incident in a therapeutic incident report, Student's behavior logs, and her daily report to Parent. *Exhibit J*, pp. 2-7.

D. The September 25, 2025 Incident

25. During the afternoon of September 25, 2025, Teacher attempted to transition her class into a lesson about stress management. *Interview with Teacher; Exhibit C*, p. 9. Student, who had been working on a computer, refused to change activities and used inappropriate language. *Id.*
26. After an attempt to verbally redirect Student, Teacher asked Student to go with the classroom's paraprofessional ("Paraprofessional C") to a support room. *Id.* Student left the classroom with Paraprofessional C without assistance. *Id.*
27. According to Paraprofessional C's post-incident statements, when Student and Paraprofessional C reached the support room, Student remained escalated and used inappropriate and aggressive language toward Paraprofessional C. *Exhibit C*, pp. 3, 9.
28. Paraprofessional C stated that he instructed Student to face the wall of the support room to "refocus," and told Student to stop using abusive language. *Id.* Student's Behavioral Intervention Plan does not list this as a behavioral strategy to be used. *Exhibit 4*, pp. 5-7.
29. Student responded: "Make me." *Exhibit C*, pp. 3, 9. Following this statement, Paraprofessional C grabbed Student by the wrist and held Student's arm behind his back. *Id.*; *Interview with Intervention Specialist*.
30. Paraprofessional asked Facility School's speech-language pathologist ("SLP"), who observed the interaction from the hallway, to find Intervention Specialist and bring him to the support room to assist. *Exhibit C*, p. 4. SLP found Intervention Specialist in the hallway outside his office, and Intervention Specialist hurried quickly to the support room. *Id.*; *Interview with Intervention Specialist*. SLP described that Intervention Specialist arrived at the support room within two minutes of her observation of Paraprofessional C asking her to get help. *Exhibit C*, p. 4. Intervention Specialist stated that it took him less than 30 seconds to arrive at the support room after being notified of the incident by SLP. *Interview with Intervention*

Specialist. Facility School's floorplan shows that Intervention Specialist's office is located very close to the support room where the incident took place. *Exhibit N*. Based on these facts, the CDE finds that between one and five minutes had elapsed when Intervention Specialist arrived at the support room.

31. Intervention Specialist stated that when he arrived at the support room, he saw Paraprofessional C holding Student's wrist behind his back. *Id.*
32. Intervention Specialist described to the CDE that holding a student's wrist was not appropriate, and is contrary to the CPI training that he administers to Facility School staff. *Id.*
33. When Intervention Specialist saw what Paraprofessional C was doing, he immediately instructed Paraprofessional C to release Student's wrist, and asked Student to have a seat. *Id.* Student sat down, and Intervention Specialist directed Paraprofessional C to leave the room. *Id.*
34. Intervention Specialist, who described having a good relationship with Student, spoke with Student about the emotions Student was experiencing during the incident. *Id.*
35. Meanwhile, Paraprofessional C returned to Teacher's classroom and reported what had happened to Teacher. *Interview with Teacher*. Teacher asked another paraprofessional to look after her classroom and went to the support room to speak to Intervention Specialist and Student about the incident. *Id.*
36. Intervention Specialist left the support room to report the incident to Principal, stating that Paraprofessional C had applied an inappropriate hold to Student. *Interviews with Intervention Specialist and Principal*.
37. Student remained in the support room speaking with Teacher until the end of the school day, about an hour and a half after the incident. *Interview with Teacher*.

E. Facility School's Response to the Incidents

38. After Student left Facility School, Teacher spoke to Paraprofessional C to obtain his version of events. *Id.* She then put information regarding the incident into Student's behavior logs and an incident report. *Id.*
39. Intervention Specialist spoke with Paraprofessional C to reinforce appropriate techniques for responding to student behavior. *Interview with Intervention Specialist*.
40. Principal spoke to Paraprofessional C, Intervention Specialist, Teacher, and SLP, and took each of their statements with respect to the details of the incident, resulting in four written "Employee Incident Affidavit" documents. *Exhibit C*, pp. 3-6; *Interview with Principal*. Paraprofessional C, in his statement to Principal that afternoon, stated that he felt that he "acted irrationally" during his interaction with Student. *Id.* at p. 3.

41. Principal instructed Teacher to call Parent to notify her that Student had been put into a hold. *Interviews with Teacher and Principal.*
42. That afternoon, Teacher called Parent by telephone to inform her that Student had been subjected to a physical hold earlier that day. *Interviews with Parent and Teacher.* Teacher described her understanding of what happened, and assured Parent that she would personally attend to any future behavioral interventions involving Student. *Id.*
43. That evening at 8:37 p.m., Facility School sent Parent an email containing a daily log describing Student's day and a therapeutic intervention report, which described that a Facility School staff member "placed the student in a standing therapeutic hold." *Exhibit 6*, pp. 4-5; *Exhibit 9*. The therapeutic intervention report also included Student's name, the date, and a field indicating that the hold lasted between one and five minutes. *Exhibit 6*, p. 5.
44. During Intervention Specialist's next meeting with Facility School's paraprofessionals the following week, he reviewed Facility School's procedures for student behavior responses and emphasized the need for staff to exhaust all less restrictive techniques prior to administering any physical restraint. *Interview with Intervention Specialist.*
45. Principal likewise reviewed Facility School's procedures during the next all-staff meeting. *Interviews with Principal and Teacher.*
46. Facility School, following its investigation into the use of a hold on Student, suspended Paraprofessional C, and later informed him that his employment would be terminated. *Interview with Principal.* Paraprofessional C submitted his resignation to Facility School prior to termination. *Id.*
47. Since the September 2025 incident, Facility School has changed its procedures, requiring that whenever a hold lasting less than five minutes is administered, Facility School staff document the same information that they would document for longer restraints, including the antecedent behavior, a description of the incident, and a description of efforts made to deescalate the situation. *Interviews with Principal and Intervention Specialist; Exhibit 1*, pp. 199-200.
48. Following the September 25, 2025, incident, Parent chose to not return Student to Facility School. *Interviews with Parent, Principal, and Teacher.* Parent enrolled Student in another school on October 29, 2025. *Exhibit 2*, p. 2. Parent reports that Student has been successful at his new school. *Interview with Parent.*

CONCLUSIONS OF LAW

Based on the Findings of Fact, the CDE enters the following CONCLUSIONS OF LAW:

Conclusion to Allegation No. 1: Facility School did not restrain Student during the incident on August 18, 2025. Therefore, the PPRA did not apply. Facility School physically restrained

Student during the incident on September 25, 2025 in a non-emergency situation and without first using less restrictive alternatives. This resulted in noncompliance with PPRA Rule 2.01. Facility School provided proper notification and documentation of the September 2025 use of restraint, in compliance with PPRA Rule 2.04(2)(c)-(e).

The Complaint raises concerns that Facility School “restrained” Student within the meaning of the PPRA during the incidents on August 18, 2025, and September 25, 2025. (FF # 3.) Accordingly, the CDE must first determine whether Student was restrained as defined by PPRA.

A. The PPRA’s Definition of “Restraint”

The PPRA defines “restraint” as “any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, mechanical devices, and chemicals.” PPRA Rule 2.00(8). “Physical restraint” means “the use of bodily, physical force to involuntarily limit an individual’s freedom of movement for *one minute or more*.” PPRA Rule 2.00(8)(c) (emphasis added). However, “physical restraint” does not include:

- A physical intervention for less than one minute for the protection of the student or others or to prevent the destruction of property;
- A brief holding of a student by one adult 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; and
- Minimal physical contact for the purpose of assisting the student in completing a task or response.

PPRA Rules 2.00(8)(c)(i)-(iv).

The PPRA does not explain what constitutes “minimal physical contact” in the context of an escort. *See* PPRA Rule 2.00(8)(c)(iii). Historically, the CDE has relied on guidance from the U.S. Department of Education to determine whether escort actions involve only “minimal physical contact”—and therefore do not constitute “physical restraint”—under the PPRA:

Physical restraint, although not defined in IDEA and its implementing regulations, means a personal restriction that immobilizes or reduces the ability of a student to move their torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching, or holding of the hand, wrist, arm, shoulder, or back for the purposes of inducing a student who is acting out to walk to a safe location.

Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions, 81 IDELR 138 (OSERS 07/19/22); see also *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities*, 69 IDELR 80 (OCR 2016) (containing the same quotation).

B. Student Was Not Physically Restrained on August 18, 2025

The CDE must determine whether the forward, two-person transport of Student from the sensory room to the support room on August 18, 2025 constituted a “physical restraint” under PPRA Rule 2.00(8)(c), or whether the transport was an escort with minimal physical contact excepted under PPRA Rule 2.00(8)(c)(iii).

Here, Student was engaged in unsafe behavior—standing on the sensory room’s swing—despite Teacher’s attempts to de-escalate Student through the offering of timers and other options prescribed by Student’s behavior plan. (FF #s 17-18.) Paraprofessionals A and B moved Student, looping their arms under Students’ arms in a guided walk, from Facility School’s sensory room to a nearby support room. (FF #s 19-21.) This transport aligned with Intervention Specialist’s description of an appropriate escort, and Student was walking under his own power. (FF # 20.) The escort lasted approximately one minute. (FF #s 21-22.)

The two-person transport lasted for approximately one minute and involved minimal physical contact for the purposes of safely escorting Student from one area to another. As such, this two-person transport falls within the exceptions to PPRA Rule 2.00(8)(c) and does not constitute a “physical restraint” under the PPRA. See PPRA Rule 2.008(c)(i); 2.008(c)(iii); *Mesa Cty. Valley Sch. Dist. 51*, 125 LRP 24931 (SEA CO 7/21/25) (finding that a similar two-person transport involving staff’s “arms looped through” the student’s arms did not constitute a restraint under PPRA).

Accordingly, the CDE finds and concludes that Student was not physically restrained during the incident on August 18, 2025.

C. Student Was Physically Restrained on September 25, 2025

The CDE must determine whether Paraprofessional C’s standing hold of Student on September 25, 2025, constituted a “physical restraint” under PPRA Rule 2.00(8)(c).

Here, Student and Paraprofessional C went to the support room after Student refused to discontinue a preferred activity and began to use inappropriate language. (FF #s 25-26.) When Student continued to use inappropriate language in the support room, Paraprofessional C instructed Student to face the wall of the support room to “refocus,” a technique that was not listed in Student’s behavior plan. (FF #s 27-28.) After Student issued a verbal challenge, Paraprofessional C grasped Student’s wrist, and held Student’s arm behind his back for a period of approximately two minutes. (FF #s 29-30.) When Intervention Specialist arrived at the support room, he instructed Paraprofessional C to release Student’s wrist. (FF # 33.) Based on these facts, the CDE finds that Paraprofessional C used physical force to involuntarily limit Student’s freedom for more than one minute.

Accordingly, the CDE finds and concludes that Paraprofessional C physically restrained Student during the incident on September 25, 2025.

D. Facility School Lacked an Appropriate Basis to Use Restraint

Under the PPRA, the Facility School must have an appropriate basis for the use of restraint. The PPRA requires that restraint may:

- Only be used in an emergency with extreme caution after the failure of less restrictive alternatives (or a determination that such alternatives would be inappropriate or ineffective);
- Never be used as a punitive form of discipline or as a threat to gain control of a student's behavior; and
- Be used only for the period of time necessary and using no more force than necessary.

PPRA Rule 2.01(1)-(3). Here, the Complaint alleged that the Facility School used restraint in a non-emergency situation and without first using less restrictive alternatives. (FF # 3.)

Restraint may be used in cases of emergency. *Id.* "Emergency" means "serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury." PPRA Rule 2.00(4). "Bodily injury" includes "physical pain, illness, and any impairment of physical or mental condition." PPRA Rule 2.00(1). Here, the Record does not indicate that there was any serious, probable and imminent threat of bodily injury to Student, Paraprofessional C, or any other individual. Student was using inappropriate language and being verbally disruptive, but even Paraprofessional C's accounting of events does not indicate that Student presented any physical danger. (FF # 24-28.) For these reasons, the CDE finds and concludes that the situation did not constitute an emergency under the PPRA.

Even in an emergency, the PPRA permits the use of restraint only after the failure of less restrictive alternatives (or a determination that those alternatives would be inappropriate or ineffective). PPRA Rule 2.01(1). Less restrictive alternatives include positive behavior supports, de-escalation, and restructuring the environment. *Id.*

Here, Paraprofessional C stated that he attempted to de-escalate student by instructing him to face the support room wall to "refocus," a strategy not listed in Student's behavior plan. (FF # 28.) Notwithstanding, it is not clear that this less restrictive intervention "failed." Student remained noncompliant but as described above was not presenting an imminent danger—instead, Student merely verbally challenged Paraprofessional C. (FF # 29.) Thus, the CDE finds and concludes that the Facility School administered restraint without first using less restrictive alternatives or determining that less restrictive alternatives would be inappropriate or ineffective, as prohibited by the PPRA. For these reasons, the CDE finds and concludes that Facility School lacked an appropriate basis to use restraint under the PPRA.

The CDE reminds Facility School that PPRA precludes the use of restraint as a punitive form of discipline or as a threat to gain control over a student's behavior. PPRA Rule 2.01(2). Here, Paraprofessional C implemented the restraint in direct response to a verbal challenge from Student—Student told Paraprofessional C, when asked to stop using inappropriate language, to “[m]ake me.” (FF # 29.) Again, Student was not presenting a danger to himself or others but instead was challenging Paraprofessional C's authority. (FF #s 25-29.) Paraprofessional C himself later conceded that he “acted irrationally” in response to Student's challenge. (FF # 40.)

E. Facility School's Documentation of the Restraint

Use of restraint requires compliance with the PPRA's documentation and notification requirements. PPRA Rule 2.04(2). These requirements specify, in part, that:

- The school principal or designee must notify the parent of the use of restraint or seclusion verbally or in writing as soon as possible but no later than the end of the school day that any restraint or seclusion is used.
- If a physical restraint is between one and five minutes, the school must give the parent written notice on the day of the restraint and include the date, name of student, and number of restraints that lasted between one and five minutes.
- If a restraint is longer than five minutes, school administration must complete a written report regarding the incident. The report must be provided to the parent within five calendar days after the use of the restraint.

PPRA Rule 2.04(2).

Here, Paraprofessional C used a physical restraint on Student for a period of more than one minute but less than five minutes. (FF # 30.) Following de-escalation of the incident, Intervention Specialist reported the use of physical intervention to Principal. (FF # 36.) Principal took statements from the four Facility School staff members involved in the incident and created written reports detailing those staff members' recollections. (FF # 40.)

Principal instructed Teacher to call Parent to inform her that Student had been subjected to a physical restraint, and Teacher verbally described the incident to Parent by telephone. (FF #s 41-42.) That evening, Facility School sent an email to Parent containing a therapeutic intervention report which stated that Student had been placed in a standing therapeutic hold, and included the date, Student's name, and an indication that the hold lasted between one and five minutes. (FF # 43.) Based on these facts, the CDE finds that Facility School complied with PPRA Rule 2.04(2).

REMEDIES

The CDE concludes that Facility School did not comply with the following PPRA requirements:

1. Proper administration of a physical restraint, as required by PPRA Rule 2.02(c).

The CDE has the authority to order the Facility School to take remedial actions to bring the Facility School into compliance with the PPRA. C.R.S. § 22-32-147(6); PPRA Rule 2.07(9)(b).

To demonstrate compliance, Facility School is ORDERED to take the following actions:

1. Final Decision Review

- a. Principal, Intervention Specialist, and all paraprofessionals employed at Facility School must review this decision, as well as the requirements of PPRA Rule 2.02(c). This review must occur no later than **Friday, June 5, 2026**. A signed assurance that these materials have been reviewed must be completed and provided to the CDE no later than **Friday, June 12, 2026**.

NOTE: CDE Special Education Monitoring and Technical Assistance Consultant will contact Facility School with specific instructions for securely submitting the documentation detailed above. If Facility School does not meet the timelines set forth above, it may subject Facility School to enforcement action by the CDE.

CONCLUSION

The Decision of the CDE is final and is not subject to appeal. *CDE's State Complaint Procedures*, Section E, ¶ 2; PPRA Rule 2.07(9)(c). This Decision shall become final as dated by the signature of the undersigned State Complaints Officer ("SCO").

Dated this 24th day of April, 2026.



Nick Butler
State Complaints Officer

APPENDIX

Complaint, pages 1-6

- Exhibit 1: Student's IEP
- Exhibit 2: Student's enrollment history
- Exhibit 3: Contract between Student's home district and Facility School
- Exhibit 4: Student's Behavioral Intervention Plan
- Exhibit 5: Email regarding August 2025 incident
- Exhibit 6: Documentation of incidents
- Exhibit 7: December 12, 2025 email

Response, pages 1-9

- Exhibit A: IEPs
- Exhibit B: Behavioral Intervention Plan
- Exhibit C: Documentation of incidents
- Exhibit D: n/a
- Exhibit E: Witness statements
- Exhibit F: Training materials
- Exhibit G: Restraint Training Certificates for involved staff
- Exhibit H: Facility School Calendar
- Exhibit I: Policies and Procedures
- Exhibit J: Correspondence
- Exhibit K: List of Facility School staff with knowledge related to the Complaint
- Exhibit L: n/a
- Exhibit M: n/a
- Exhibit N: Floorplan of Facility School with relevant rooms labeled

Reply, pages 1-3

- Exhibit 8: Email from Facility School with documentation of August 2025 incident
- Exhibit 9: Email from Facility School with documentation of September 2025 incident

Telephone Interviews

- Parent: March 31, 2026
- Teacher: April 3, 2026
- Intervention Specialist: April 3, 2026
- Principal: April 3, 2026