Decision of the Colorado Department of Education
Under the Protection of Students from Restraint and Seclusion Act ("RSA")

State Complaint SC2026-903
[Charter School]

DECISION

INTRODUCTION

On May 11, 2026, the Parents ("Parents") of a student ("Student") filed a state complaint ("Complaint") against [Charter School] ("Charter School"). The Colorado Department of Education ("CDE") determined that the Complaint identified one allegation subject to its jurisdiction under the Protection of Students from Restraint and Seclusion Act ("RSA")[1] and its implementing regulations, the Rules for the Administration of the Protection of Students from Restraint and Seclusion Act ("RSA Rules").[2] *See* RSA Rule 10.00(2). 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 RSA 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. RSA Rule 10.00(2)(f). Accordingly, findings of noncompliance shall be limited to events occurring on or after May 11, 2025. Information prior to May 11, 2025 may be considered to fully investigate all allegations.

SUMMARY OF COMPLAINT ALLEGATIONS

The Complaint raises the following allegation subject to the CDE's jurisdiction under C.R.S. § 22-15.5-107 of the RSA and RSA Rule 10.00(2):

1. Charter School did not comply with the requirements of the RSA on a day in February 2026 and/or on March 27, 2026 because it:

[1] In May 2025, Colorado adopted the RSA (C.R.S. § 22-15.5-101, *et seq.*) ("RSA") which replaced the Protection of Persons from Restraint Act ("PPRA") as the governing framework regulating the use of restraint and seclusion in schools. H.B. 25-1248 (Co. 2025).

[2] The RSA Rules are codified at 1 C.C.R. 301-45.

a. Used restraint in a non-emergency and without the failure of less restrictive alternatives or without a determination that less restrictive alternatives would be inappropriate or ineffective under the circumstances, as prohibited by C.R.S. § 22-15.5-103(2)(d);

b. Did not comply with the notification and documentation requirements of C.R.S. § 22-15.5-106(3), (4).

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 bright, funny and energetic. *Interviews with Parents, Charter School's Dean of Scholar Associates ("Dean"), and Charter School's Principal ("Principal")*. Student sometimes has trouble focusing and needs support for disruptive or unsafe behaviors. *Id*.

2. Student enrolled in first grade at Charter School on January 14, 2026. *Response*, p. 5. This investigation concerns two incidents on February 17 and one alleged incident on March 20 where Parents assert that Student was improperly restrained and that Charter School did not appropriately document its use of restraint. *Reply*, p. 3.

B. Charter School's Policies and Procedures

3. Charter School is authorized by a school district and follows the district's policy ("Policy") governing the use of restraint. *Response*, p. 3; *see*, *Exhibit G*. The Policy defines "restraint" as "any method or device used to involuntarily limit an individual's freedom of movement, including," among other things, bodily physical force and seclusion." *Exhibit G*, p. 1.

4. The Policy prohibits seclusion, which it defines as "the placement of a student alone in a room from which egress is involuntarily prevented." *Id*. Seclusion does not include situations where the student is accompanied by "one or more staff members" or time out, where the student is not prevented from leaving. *Id*.

5. According to the Policy, restraint can only be used in an emergency, meaning there is a "serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury." *Id*. at p. 1-2. They can also only be used after the "failure of less restrictive alternatives" or a "determination that such alternatives would be inappropriate or inadequate." *Id*. at p. 3.

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

6. After the use of restraint, staff must "submit a written report notifying school administration of the use of restraint or physical hold within one school day." *Id*. Then the school must verbally notify parents as soon as possible, but "no later than the end of the school day that the restraint or physical hold was used." *Id*. at p. 4.

7. After, the school must "review the use of restraint or physical hold to determine whether appropriate procedures were followed." *Id*. This includes a staff review as well as communicating with the student and their family. *Id*. Families must be provided with a written report based on the review within five calendar days of the restraint. *Id*.

C. Charter School's Approach to Behavior Incidents

8. Dean's job includes "supporting student behavioral interventions," with the help of two behavior interventionists. *Exhibit A*, p. 1; *Interview with Dean*. When students are disruptive, teachers initially try to manage the behavior in the classroom using Tier I interventions including proximity or positioning to adjust behavior without causing an escalation. *Id*.

9. If that does not work, teachers can call for someone from the behavior team to intervene. *Id*. The behavior team starts by attempting to deescalate the student in the classroom. *Id*. They are all trained to use verbal deescalation and will encourage students to make use of break tools that are stocked in all the classrooms. *Interview with Dean*. If the student cannot be redirected within five to ten minutes, they are encouraged to reset in the Behavior Office. *Id*.; *Exhibit A*, p. 1.

10. The Behavior Office is a large room with a bathroom, desks for the behavior interventionists, and several desks for student use. *Exhibit N*, pp. 1-2; *Interviews with Dean and Principal*. It contains various visuals to support the reset process, including from the "Zones of Regulation" curriculum. *Interview with Dean*. Depending on their emotional state, students may start with a short break to regulate using appropriate tools or fidgets. *Interviews with Dean and Principal*. Then, if the student earned a consequence for their behavior, they complete a reflection form and discuss the events with a staff member. *Id*. As a consequence, the student might also be expected to write an apology or lines reviewing school values. *Id*.

11. Across from the Behavior Office is a smaller, flexible space known as the Deescalation Room. *Id.*; *see Exhibit B*, pp. 1-8. The Deescalation Room is emptier, making it safer for students who are engaging in unsafe behaviors. *Interview with Dean*. It also contains a place for students to lie down and some fidget tools to help students regulate. *Id*.; *Exhibit B*, p. 3.

12. Students may opt to go to the Deescalation Room for privacy or to lie down. *Interviews with Dean and Principal*. In those cases, they may be alone, but the door would be left open. *Id*. If the student is moved to the Deescalation Room for safety, an adult stays in the room with them. *Id*.

13. The door to the Deescalation Room opens into the room. *Exhibit B*, pp. 1, 4. When students were being unsafe, Dean has held the door shut with his foot to avoid getting into a power struggle over the door handle. *Interview with Dean*. In those cases, he remained inside the room with the student. *Id*.

14. Any incidents requiring the behavior team to remove a student from their classroom are recorded in a behavior tracker. *Interviews with Dean and Principal*; *see Exhibit C*. Entries are made by the staff member who observed the behavior and called for support. *Interview with Dean*. Each entry includes the time and duration of the incident. *Id*.

D. The February 17, 2026 Incidents

Incident 1

15. On February 17, 2026, Student was eloping from class and attempting to climb on desks. *Exhibit C*. At 8:40 a.m., her classroom teacher ("Teacher") called Parent for help regulating Student. *Exhibit 3*, p. 1; *Interview with Parents*. It was not unusual for Teacher to call Parent for help, as Parent often helped calm Student down. *Interview with Parents*.

16. Around 9:00 a.m., Teacher called for support from the behavior team. *Id*. Dean responded and attempted to deescalate Student in the classroom. *Exhibit C*. When that was unsuccessful, Dean walked Student to the Behavior Office. *Id*.; *Exhibit A*, p. 1. Student went down the hall "freely and without physical assistance." *Exhibit A*, p. 1.

17. In the Behavior Office, Student continued climbing on desks and otherwise demonstrating unsafe behaviors, rather than engaging with the reset process. *Id*.; *Exhibit C*. Dean then walked Student across the hall to the Deescalation Room. *Exhibit A*, p. 2.

18. According to Dean, Student immediately objected to the Deescalation Room and agreed to stop engaging in unsafe behaviors. *Id*. Student and Dean then returned to the Behavior Office right away. *Id*.

19. Per Dean, Student was only in the Deescalation Room for "a matter of moments" and was never alone in the Deescalation Room. *Id*.

20. After that, Student deescalated in the Behavior Office and returned to class after a total of 40 minutes. *Id*.; *Interview with Dean*. There is no mention of the Deescalation Room in the behavior tracker, and there are no other contemporaneous records of the incident. *Exhibit C*; *Interviews with Parents, Dean, and Principal*.

21. Amid Incident 1, Parent received a 30-minute call from Charter School's social worker ("Social Worker"). *Exhibit M*; *Exhibit K*, p. 1; *Exhibit 3*, p. 2. During the call, Social Worker and Parent discussed Student's history and the referral process for counseling through an outside agency. *Id*. They did not discuss the ongoing incident, and Parents did not hear about it from anyone else at Charter School. *Id*.; *Interview with Parents*.

Incident 2

22. Later that afternoon, Student was again climbing on tables and refusing to work in the classroom. *Exhibit C*. Principal and another member of the behavior team responded to the classroom. *Id*.; *Interview with Principal*. They walked Student to the behavior office, where she continued to climb on desks. *Interview with Principal*; *Exhibit P*, p. 1.

23. At that point, she was directed to the Deescalation Room to "use sensory and calming materials to release energy and regulate her body." *Exhibit P*, p. 1. Student was never alone in the room. *Interview with Principal*. Dean was not involved in this second incident. *Interviews with Principal and Dean*.

24. According to the building-wide tracker, this incident lasted fifteen minutes before Student returned to class. *Interview with Dean*. The tracker does not mention the Deescalation Room. *Exhibit C*.

25. Parents were not informed by School about this second incident, and Student did not say anything at the time. *Interview with Parents*.

E. The Alleged March 20, 2026 Incident

26. Charter School does not have any record of a behavior incident involving Student on March 20. *Exhibit C*; *Interview with Dean*. However, Parent received a call from Teacher around 9:30 a.m. asking if Parent could help regulate Student. *Exhibit 3*, p. 4; *Interview with Parents*. The call lasted three minutes. *Exhibit 3*, p. 4.

27. About an hour later, Dean called Parent. *Id.* at p. 3. This was the first time Parent had heard from Dean. *Interview with Parents*. Dean said he had removed Student from the classroom, but she was not calming down. *Id*. Based on the call, Parent thought Student was using a break space in Social Worker's office. *Id*. Parent offered to pick up Student, but Dean thought he could get her back to class. *Id*. Student eventually left Charter School early due to a family event. *Exhibit 2*, p. 4; *Interview with Parents.* No one said anything else to Parents that day or documented anything in writing. *Exhibit 2*, p. 4; *Exhibits K-M*.

28. Dean recalls calling Parents once or twice last year but has no record or recollection of a call on March 20. *Interview with Dean*. Dean dealt with a large behavioral incident involving several students on March 20, so he might not have remembered an interaction with Student. *Id*. However, he does not recall bringing Student back to the Deescalation Room and, as a matter of practice, never left students alone in that room with the door closed. *Id*.

F. Charter School's Investigation

29. A week later, on March 27, Student told Parents that Dean was "nice most of the time, except when he gets angry" and "takes me to this room." *Id*. Student called it the "blank space" with nothing in it. *Id*. When Parents asked what happens in the room, Student said Dean closes

the blinds and holds the door closed with his foot and makes her write lines. *Id*.; *Exhibit P,* p. 2. She reported that this had happened twice that year. *Interview with Parents*. Several days later, Student told Parent that Dean actually held the door shut from outside the room, not inside. *Interview with Parents*.

30. On March 27, Parents emailed Principal expressing concerns about Student being secluded in a room with a male and Charter School not notifying them of the incident. *Exhibit P*, p. 2. Parents' email did not specify when the alleged incident occurred. *Id*.

31. In response, Principal investigated Parents' concerns by speaking with Charter School's behavior team and Student's teachers to understand what had happened. *Id.* at p. 1; *Interview with Principal*. Based on Parents' email, he thought the incident occurred on March 26 or 27. *Id*. Principal reviewed footage from the security cameras for March 27 and the three previous days. *Id*. The footage did not show Student entering the Behavior Office or Deescalation Room on those days. *Id*.

32. He did not review footage for March 20, because he had no reason to look back that far. *Id*. When he tried to look at other footage from March near the end of the school year, he could not because everything is recorded over after 30 days. *Id*.; *Response*, p. 5. For the same reason, Charter School was unable to produce or review footage from February 17, 2026 during this state complaint investigation. *Response*, p. 2.

33. Based on his investigation, Principal concluded that February 17 was the only day Student was taken to the Deescalation Room. *Exhibit P*, p. 1; *Interview with Principal*.

34. Student withdrew from Charter School and never returned after March 27. *Exhibit P*, p. 2.

CONCLUSIONS OF LAW

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

Conclusion to Allegation No. 1: Charter School did not seclude Student on February 17 or March 20, 2026, and thus the RSA was not applicable.

In their Complaint, Parents allege Charter School secluded Student during incidents on February 17 and March 20, 2026. (FF # 2.) The CDE must first determine whether Student was secluded as defined by the RSA.

A. The RSA's Definition of "Seclusion"

The RSA defines "restraint" as "a method or device that is used to limit a student's voluntary freedom of movement." C.R.S. § 22-15.5-102(9).[4] The term "restraint" expressly includes

[4] The RSA became effective in May 2025, so the RSA was the governing law at the time of the incidents in Spring 2026. H.B. 25-1248 (Co. 2025). However, new rules had not been adopted. As such, to the extent that the RSA and the old rules conflict, the RSA controls.

"seclusion, chemical restraint, mechanical restraint, and physical restraint." *Id.*

"'Seclusion' means the placement of an individual alone in a room or area from which egress is prevented." *Id*. at § 22-15.5-102(10). Seclusion does not include time-out, "which is the removal of a student from a potentially rewarding situation, or from a situation that would otherwise produce negative reinforcement." *Id.* During a time-out, a student's egress is not prevented. *Id*.

B. Student Was Not Secluded on February 17

Here, Student indicated Dean placed her in the Deescalation Room twice on February 17 with his foot on the door to prevent her from exiting. (FF # 29.)

Incident 1

Dean recalled bringing Student to the Deescalation Room for "moments" before immediately leaving, whereas Student recalled being in the room with Dean holding the door shut with his foot. (FF #s 17-20, 29.) Dean acknowledged using his foot to hold the door shut when students are unsafe. (FF # 13.) Because Student's recollection is detailed and consistent with Dean's habits, the CDE finds that Student was confined to the Deescalation Room during Incident 1. However, Student initially reported that Dean held the door shut from inside the room with her. (FF #s 29-30.) This is consistent with the fact that the door of the Deescalation Room opens into that space. (FF # 13.) Since Dean could not have held the door shut with his foot from outside the room, the CDE finds that Dean was in the Deescalation Room with Student during Incident 1. Thus, Student was not alone in a room from which egress was prevented. As such, the CDE finds and concludes that Student was not secluded during Incident 1.

Incident 2

Principal acknowledged bringing Student back to the Deescalation Room to release energy during Incident 2. (FF # 23.) Within 15 minutes, Student was ready to return to class. (FF # 24.) Student told her Parents that Dean held the door of the Deescalation Room shut. (FF # 29.) Dean was not involved in Incident 2. (FF # 23.) Because Dean was not involved in Incident 2 and because the door of the Deescalation Room could not be held shut with a foot from outside the room, the CDE finds and concludes that Student was not secluded during Incident 2.

C. Student Was Not Secluded on March 20

On March 20, Student remembered Dean placing her in the Deescalation Room and holding the door shut with this foot. (FF # 29.) Dean does not recall taking Student to the Deescalation Room on March 20 but acknowledged that his memory is limited because of a significant, unrelated, behavioral incident that occurred that day. (FF # 28.) Charter School has no record of a behavioral incident involving Student on March 20. (FF # 26.)

Although Principal investigated Parents' concerns, he understood them to be more recent, so he did not review footage from March 20. (FF #s 31-32.) Parents received multiple calls on March 20, including one from Dean. (FF #s 26-27.) Thus, despite the lack of a contemporaneous entry in the behavior tracker, the CDE finds that Student was taken to the Deescalation Room on March 20. Student initially reported being in the room with Dean, not alone. (FF #s 29-30.) Because the door opens into the room, it could not have been held shut the way Student described if Dean was outside the room. (FF # 13.) The Record does not show that Student was placed alone in the Deescalation Room with her egress prevented. Therefore, the CDE finds and concludes that Student was not secluded during the incident on March 20.

As Student was not secluded on either February 17 or March 20, the RSA does not apply, and no further analysis of Charter School's compliance with its provisions—such as whether the use of seclusion was appropriate under the circumstances or whether Charter School complied with the RSA's notification requirements—is necessary.

REMEDIES

The CDE concludes that Charter School complied with the requirements of the RSA. Accordingly, no remedies are ordered.

CONCLUSION

The Decision of the CDE is final and is not subject to appeal. *CDE's State Complaint Procedures*, Section E, ¶ 2; RSA Rule 10.00(9)(c). This Decision shall become final as dated by the signature of the undersigned State Complaints Officer.

Dated this 10th day of July, 2026.



Rachel Dore
Senior State Complaints Officer

APPENDIX

Complaint, pages 1-4

- Exhibit 1: ROI
- Exhibit 2: Student Detail Report

Response, pages 1-9

- Exhibit A: Sworn Statement
- Exhibit B: Deescalation Room
- Exhibit C: Behavior Log
- Exhibit D: None
- Exhibit E: CPI Certification
- Exhibit F: Charter School Calendar
- Exhibit G: District Regulation
- Exhibit H: Charter School Policy
- Exhibit I: Texts
- Exhibit J: Texts
- Exhibit K: Correspondence
- Exhibit L: Correspondence
- Exhibit M: Contact Log
- Exhibit N: Behavior Office
- Exhibit O: Verification of Delivery
- Exhibit P: Correspondence

Reply, pages 1-3

- Exhibit 3: Call Log

Telephone Interviews

- Parents: June 19, 2026
- Dean: June 22, 2026
- Principal: June 22, 2026