
AURORA PUBLIC SCHOOLS
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APS Code: JKA

USE OF PHYSICAL INTERVENTION

Under no circumstances shall a student be physically held for five or more minutes unless the provisions regarding restraint (contained in the regulation) are followed.

Any method or device used to involuntarily limit a student's freedom of movement for five or more minutes, including physical force, physical restraint, or seclusion, shall be in compliance with state law on protecting persons from restraint. The superintendent shall develop procedures and a training program related to the use of restraint consistent with this policy and state law.

Corporal punishment shall not be administered to students by anyone in any district school.

LEGAL REFS.: 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. 19-1-103(1) (Definition of Abuse and Neglect)
 C.R.S. 22-32-109.1(2)(a) (Adoption and Enforcement of Discipline Code)
 C.R.S. 22-32-109.1(2)(A)(D) (Policy Required as Part of Safe Schools
 Plan)
 C.R.S. 22-32-109.1(9) (Immunity Provisions in Safe Schools Law)
 C.R.S. 26-20-102 et seq. (Protection of Persons from Restraint)
 1 CCR 301-45, 2620-R-1.00 et seq. (State Board of Education Rules for the
 Administration of the Protection of Persons from Restraint Act)

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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:

1. To quell a disturbance threatening physical injury to the student or others.
2. To obtain possession of weapons or other dangerous objects upon a student or within the control of a student.
3. For the purpose of self-defense.
4. For the protection of persons against physical injury or to prevent the destruction of property that could lead to physical injury to the student or others.

Under no circumstances shall a student be physically held for five or more minutes unless the provisions regarding restraint below are followed.

Restraint Definitions

“Physical restraint” is defined under state law and this policy as any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals, and seclusion.

Physical restraint does not include:

1. Holding of a student for less than five minutes by a staff person for the protection of the student or others;
2. Brief holding of a student by one adult for the purpose of calming or comforting the student;
3. Minimal physical contact for the purpose of safely escorting a student from one area to another; or
4. Minimal physical contact for the purpose of assisting the student in completing a task or response.

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“Seclusion” is the placement of a student alone in a room from which egress is involuntarily prevented. Seclusion does not mean placement of a student in residential services in his or her room for the night, or a time-out during which the student is not physically prevented from leaving the designated time-out area provided that the student is monitored by staff.

Relief periods from seclusion shall be provided for reasonable access to toilet facilities and any space in which a student is secluded must have adequate lighting, ventilation and size. To the extent possible under the specific circumstances, the space should be free of injurious items.

“Chemical restraint” means administering medication to a person (including medications prescribed by his or her physician) on an as-needed basis for the sole purpose of involuntarily limiting the person’s freedom of movement.

Chemical restraints shall not be used.

“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, except that this provision shall not apply to armed security officers who have received documented training in defensive tactics utilizing handcuffing procedures and are detaining a student for law enforcement.

“Mechanical restraint” does not include:

1. 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;
2. 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;
3. 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

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4. Positioning or securing devices used to allow treatment of a student's medical needs.

These devices may be used by school staff.

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

Prone restraint shall not be used, except in the limited circumstances permitted by state law – specifically: (a) when a student is openly displaying a deadly weapon such as a firearm, whether loaded or unloaded, a knife, bludgeon, or any other weapon, device, instrument, material or substances, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury, or (b) by armed security officers who have received documented training in defensive tactics utilizing handcuffing procedures and in restraint tactics utilizing prone restraint and who have made a referral to a law enforcement agency.

Basis for Use of Restraint

Staff may use restraint only in the case of an emergency, with extreme caution, and after the failure of less restrictive alternatives (such as positive behavior supports, constructive and non-physical de-escalation, and restructuring the environment) or after a determination that such alternatives would be inappropriate or ineffective under the circumstances.

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.

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. School personnel shall use restraints only for the period of time necessary and use no more force than is necessary; and school personnel shall prioritize the prevention of harm to the student.

Duties Related to the Use of Restraint

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When restraints, including seclusion, are used, staff will 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 administered only by staff who have received training;
4. Opportunities to have the restraint removed are provided to the student who indicates that (s)he is willing to cease the violent or dangerous behavior;
5. 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 seclusion, staff must reintegrate the student or clearly communicate to the student that (s)he is free to leave the area used to seclude the student; and
6. Student is reasonably monitored to ensure the student's physical safety.

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

Staff Training

Staff utilizing restraint shall receive 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 individual's family; appropriate documentation and notification procedures; and retraining at a frequency of at least every two years.

Documentation and Notification Requirements

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If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff must notify, in writing, the parents 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. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, school personnel must ensure that the meeting is convened. This notification may occur at the same meeting during which the student's behavior plan is developed/reviewed.

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

The school 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.

A written report based on the findings of the staff review referenced in "review" below must be e-mailed, faxed, or mailed to the parent within five calendar days of the use of restraint. The written report of the use of restraint must 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 cumulative file and a copy is to be forwarded to Exceptional Student Services.

Review of the Use of Restraint

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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 his/her family;
3. Review of the documentation to ensure the use of alternative strategies; and
4. Recommendations for adjustment of procedures, if appropriate.

If requested by the school district or the parent(s) of the student, the school district shall convene a meeting to review the incident. For students with IEPs or Section 504 plans, such a review may occur through the IEP or Section 504 process.

The school district 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 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, 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 considerations, including physical space, student seating arrangements, and noise levels.

Exceptions

The provisions in this regulation shall not apply to peace officers who are acting within the scope of their employment or in accordance with section 16-3-109, C.R.S.

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The provisions in this regulation shall not apply to any public education agency while engaged in transporting a student from one facility or location to another facility or location when it is within the scope of that agency's powers and authority to effect such transportation.

RESTRAINT INCIDENT REPORT

Student Name: Enter student name here
Student ID#: Enter student ID here
Date of Birth: Enter date of birth here
Student Currently Has An: IEP 504 Plan BIP
Grade: Enter grade here
School: Enter school here

INCIDENT DESCRIPTION

Identify Staff Administering Restraint: Enter staff name here
Other Staff Present: Enter other staff names here
Restraint Used: Enter restraint used here
Description of Restraint Used:
Enter description of restraint used here
Duration of Restraint: Enter time restraint/seclusion started and time restraint/seclusion ended
Location of Incident: Enter location of incident here
If Other Describe: Enter other information here
Emergency that Led to the Restraint: Enter description of emergency that led to restraint here
If Other Explain: Enter other explanatory information here

Description of the serious, probable, and imminent threat of bodily injury that necessitated use of restraint, including the antecedent to the student's behavior, if known.

Enter a description of the threat here

Efforts made to de-escalate and alternatives that were attempted prior to the use of restraint (check all that apply).

- I provided alternative choices the student could make prior to the aggression.
- I encouraged the student to "stop & think" before acting.
- I tried to distract the student with verbal exchange (e.g., humor, conversation, etc.).
- I attempted to guide the student to use calming strategies (e.g., deep breath, counting, etc.)
- I removed the stimuli (e.g., another student) that triggered the anger.
- I redirected the student with another task.
- I provided time away from class.
- Other: (specify) Enter other information here

Description of how student was monitored during restraint (including staff responsible for monitoring of student's physical safety):

Enter description of how student was monitored here

Description of any injury to student and/or staff (as per district practice, if injury occurred complete an incident report in addition to this form):

Enter description of injury, if any, here

Description of how restraint ended and any efforts made to safely cease the use of restraint:

Enter description of how restraint ended here

PARENT NOTIFICATION

Parent Notification

(Parent must be verbally notified same day as incident).

Name of parent(s) contacted: Enter name(s) of parent(s) contacted here

Phone Numbers: Enter phone number(s) here

Date and Time of Contact: Enter date and time of contact here

How were Parents Notified: Enter how parents were notified here

Name/Position of Staff Member Who Verbally Notified Parents: Enter name of staff member who notified parents here

Date Report Was Sent Home (This Incident Report must be sent to parents *within five calendar days* of the incident):

Type here to enter a date

Original: School Student Confidential File - **within five school days**
Copy: Principal – within five calendar days of incident
Parent – within five calendar days of incident
Building ESS Consultant
Jessica O’Muireadhaigh at ESC-2 (send within 48 hours)

RESTRAINT INCIDENT DEBRIEFING NOTES

Within two (2) school days of use of restraint, a debriefing meeting attended by appropriate staff, including staff involved in the incident, must occur. The purpose of the meeting is to review the incident, ascertain whether appropriate procedures were followed, and minimize the future use of restraint. Those attending shall review the applicable Restraint Incident Report.

Date of Debriefing: [Click here to enter a date](#)

Student Involved: [Enter name here](#)

Date of Incident: [Enter date here](#)

Type of Restraint: [Enter type of restraint here](#)

Duration of Restraint: [Enter time restraint started/ended](#)

Debriefing Notes (address whether appropriate procedures were followed and alternative strategies were used):

[Enter debriefing notes here](#)

Recommendations for adjustment of procedures, if appropriate:

[Enter recommendations for adjustment of procedures here](#)

Names/ Positions of those attending the debriefing meeting:

This report has been prepared by (name/position): [Enter name and position of preparer here](#)

Original: School Student Confidential File - **within five school days**
Copy: Principal – within five calendar days of incident
Parent – within five calendar days of incident
Building ESS Consultant
Jessica O’Muireadhaigh at ESC-2 (send within 48 hours)

**COMPLAINT PROCEDURES AND REGULATIONS REGARDING THE USE OF
RESTRAINT OR SECLUSION
1 CCR 301-45, 2620-R-2.07**

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According to applicable rules of the Colorado State Board of Education, the following represents the process that must be followed when a student or the student's parent/guardian wishes to file a complaint about the use of restraint or seclusion by a district employee.

- 2.07(1) A student or a parent or legal guardian may file a complaint about the use of restraint or seclusion used by an employee or volunteer of a school or charter school of [a] school district or Board of Cooperative Services or any institute charter school by using the procedures established under this section 2.07.

- 2.07(2) Required Content of the Complaint: The Complaint must contain the following information:
 - 2.07(2)(a) A statement that the employee or volunteer has violated a requirement regarding the use of restraints and an identification of the portion of the statute, rule, or regulation alleged to have been violated, if known by the complainant;
 - 2.07(2)(b) The background information and facts on which the Complaint is based that identify persons, actions and/or omissions;
 - 2.07(2)(c) The name and the residential address of the child against whom the alleged violation occurred;
 - 2.07(2)(d) The name of the school that the child was attending when the alleged violation occurred;
 - 2.07(2)(e) A proposed resolution of the problem to the extent known and available to the complainant at the time the Complaint is filed;
 - 2.07(2)(f) The Complaint must allege that the violation(s) set forth in the Complaint occurred not more than one (1) year prior to the date that the Complaint is filed with the Colorado Department of Education (CDE);

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- 2.07(2)(g) The signature and contact information (minimally, address and telephone number) for the complainant; and
- 2.07(2)(h) Written verification in a cover letter accompanying the Complaint that a complete copy of the Complaint and any attachments have also been mailed, hand-delivered, or delivered by other secure method to the public education agency (i.e. a school district, BOCES, or the Charter School Institute) serving the child.
- 2.07(3) The Complaint, including any attachments, must be mailed, hand-delivered, or delivered by other secure method to the IDEA State Complaints:
- IDEA Part B State Complaints Officer
Colorado Department of Education
Exceptional Student Leadership Unit, Dispute Resolution Office
1560 Broadway, Suite 1175
Denver, Colorado 80202
- Additionally, as noted in paragraph 2.07(2)(h) above, a complete copy of the Complaint, including any attachments, must also be mailed, hand-delivered, or delivered by other secure method to the public education agency (i.e. a school district, BOCES or the Charter School Institute) serving the child.
- 2.07(4) Complaints involving children with disabilities
- 2.07(4)(a) If the State Complaints Officer determines that the Complaint alleges a violation of the IDEA or its implementing regulations in 34 CFR Part 300, then the Complaint shall be processed through CDE's IDEA dispute resolution process. In these cases, the State Complaints Officer shall also have the authority to investigate and process a Complaint alleging improper use of seclusion and restraints in accordance with the timelines and

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procedures outlined in these rules.

- 2.07(4)(b) If the State Complaints Officer determines that the Complaint does not meet the criteria under section 2.07(4)(a), he or she shall refer the Complaint to the Restraint Complaints Officer (RCO) within five (5) calendar days of receiving the Complaint and shall notify the complainant in writing of this referral.
- 2.07(4)(c) Nothing in this subsection shall require the complainant to submit an additional Complaint directly to the RCO.
- 2.07(5) The Complaint shall be considered properly filed with the Department when it is received in CDE's Dispute Resolution Office and satisfies paragraph 2.07(2) above. A Complaint, once filed, will not be accepted for investigation if the CDE does not have jurisdiction (i.e., authority) to investigate; or if the Complaint does not set forth sufficient grounds on which to grant relief.
- 2.07(6) Within ten calendar (10) days of receipt of the Complaint, the RCO shall decide to accept or reject the Complaint for investigation and notify the complainant in writing. If the Complaint was sent via mail, the RCO's decision shall be postmarked by the 10th day. If the Complaint is accepted, the RCO shall:
- 2.07(6)(a) Notify the complainant of receipt and acceptance of the Complaint;
- 2.07(6)(b) Notify, by certified or overnight mail, the public education agency of each and every allegation contained in the Complaint together with a complete copy of the Complaint; and
- 2.07(6)(c) Initiate an investigation concerning the allegations contained in the Complaint.
- 2.07(7) Complaint Timelines:

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- 2.07(7)(a) Response: Within fifteen (15) calendar days of receiving the RCO's notification of the Complaint, the public education agency may file a Response to the Complaint allegations and provide information which it deems necessary or useful for the RCO to consider in conducting a thorough investigation. If the public education agency fails to timely respond to an allegation, the RCO may, in his/her sole discretion, deem the allegation admitted.

The Response is due by 5:00 p.m. on the date due. The public education agency shall provide any written Response to the RCO and also a complete copy of the Response, including any attachments, to the complainant unless doing so would violate relevant laws regarding confidentiality. The public education agency shall provide the RCO with a legible copy of the written tracking receipt which verifies that a complete copy of the Response, including any attachments, was sent by certified or overnight mail to the complainant.

- 2.07(7)(b) Reply: Within ten (10) calendar days of delivery of the response, the complainant may file a written Reply to the Response, including any attachments, in support of his/her position. The complainant shall provide any written Reply to the RCO at the address identified in paragraph 2.07(3), above, and also provide the RCO by 5:00 p.m. on the date due with written verification that a complete copy of the Reply, including any attachments, was also mailed or hand-delivered to the public education agency.

The Response and Reply must be delivered by 5:00 p.m. on the date due to the office of the RCO and not merely postmarked by the due date. If the Response or Reply is untimely, the RCO may, within his or her sole discretion, refuse to consider the late document.

- 2.07(7)(c) Timeline Extensions: If the RCO finds that exceptional circumstances exist with respect to a particular Complaint, the RCO may, in his or her sole

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discretion, extend for a reasonable period of time, any of the timelines set forth in these Complaint procedures. Any request and extension of a timeline must occur prior to expiration of the timeline and shall be documented in a written order issued by the RCO prior to the expiration of the timeline and mailed to the parties. The RCO does not have authority to extend the regulatory statute of limitations of one (1) year described in Section 2.07(2)(f) above.

- 2.07(7)(d) If one or more due dates in the process fall on a weekend or a state holiday, the due date shall be the next calendar day following a weekend or state holiday if the due date is on a weekend or state holiday.
- 2.07(8) Complaint Investigations:
- 2.07(8)(a) The Complaint investigation may include, but is not limited to: an onsite investigation; request(s) that the complainant or public education agency provide additional information; and request(s) to review records in the possession of either party.
- 2.07(8)(b) Any time after a Complaint is filed and before the Complaint is resolved, the RCO may recommend a public education agency to undertake immediate action in an extraordinary situation when it is imperative to do so in order to protect the rights, health or safety of any student.
- 2.07(8)(c) The CDE, through the RCO, shall have sixty (60) calendar days from the date of receipt of the properly filed Complaint, to resolve the Complaint. The parties may mutually agree to extend the sixty (60) calendar day time limit in order to engage in voluntary mediation. Any extension of the Decision due date will be set by the RCO to a date certain as per section 2.07(7)(c), above.
- 2.07(9) Complaint Resolution:

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- 2.07(9)(a) The RCO shall issue a written decision which details the findings of fact and conclusions of law unless the issues have been previously resolved. Based upon a finding that a public education agency has failed substantially to comply with state laws and regulations for the use of restraint, the RCO will, as part of the resolution of the Complaint, make recommendations to the public education agency of remedial actions that may be taken in order to come into compliance with applicable law and regulations, (e.g., technical assistance and training activities).
- 2.07(9)(b) The RCO shall have no authority to require corrective action by the public education agency, including but not limited to compensatory education for the child who is the subject of the complaint, monetary reimbursement or attorney fees.
- 2.07(9)(c) The decision of the RCO shall be final.