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**AURORA PUBLIC SCHOOLS**  
**Adopted September 1994**  
**Reviewed September 2007**  
**Revised April 2010**  
**Revised September 2013**  
**Reviewed February 2016**  
**Reviewed August 2019**  
**Revised June 2023**  
**Revised October 2023**

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**APS Code: JKA**

## **USE OF PHYSICAL INTERVENTION**

To maintain a safe learning environment, district employees may, within the scope of their employment and consistent with state law, use physical intervention and restraint with students in accordance with this policy and accompanying regulation. Such actions shall not be considered child abuse or corporal punishment if performed in good faith and in compliance with this policy and accompanying regulation.

### **Physical intervention**

Corporal punishment shall not be administered to any student by any district employee or volunteer, in accordance with state law.

Within the scope of their employment, district employees may use reasonable and appropriate physical intervention with a student, that does not constitute restraint as defined by this policy, to accomplish the following:

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

Under no circumstances shall a student be physically held for more than one minute unless the provisions regarding restraint contained in this policy and accompanying regulation are followed.

### **Restraint**

For purposes of this policy and accompanying regulation, restraint is defined as any method or device used to involuntarily limit a student's freedom of movement, including but not limited to bodily physical force and seclusion. If property damage may be involved, restraint may only be used when the destruction of property could possibly result in bodily harm to the individual or another person. Restraint shall not include the holding of a student for less than one minute by a

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district employee for the protection of the student or others and other actions excluded from the definition of restraint in state law.

If a student is physically restrained for a period of time longer than one minute, but less than five minutes, the student's parent(s) are required to be notified. The notice must be given in writing on the same day the restraint occurs, and must include the date of restraint, student's name, and the number of times that day that the student was restrained.

If a student is physically restrained for a period of time longer than five minutes, the school administration shall verbally notify the parent or guardian as soon as possible, but not later than the end of the school day that the restraint was used. Additionally, the school administration shall mail, fax, or e-mail a written report of the incident, including all information required by law, to the parent or legal guardian of the student not more than five calendar days after the use of the restraint on the student.

District employees shall not use restraint as a form of discipline or to control or gain compliance from a student. District employees are also prohibited from restraining a student by use of a prone restraint, mechanical restraint or chemical restraint, as those terms are defined by applicable state law and this policy's accompanying regulation.

If a student is placed in a seclusion room, the student must be continually monitored. The seclusion room must have at least one window to monitor students when the door is closed. If it is not feasible to utilize a room with a window, monitoring by video camera must be possible. The seclusion room must be a safe space free from injurious items and must not be a space used by school staff for offices, storage, or custodial purposes.

Restraint shall only be administered by district employees trained in accordance with applicable State Board of Education rules.

### **Use of Mechanical or Prone Restraints**

The prohibition on the use of mechanical or prone restraints in this policy and accompanying regulation shall not apply to:

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1. Certified peace officers or armed security officers working in a school and who meet the legal requirements of C.R.S. 26-20-111 (3), however, no law enforcement officer or armed security official shall use handcuffs on any student unless the student poses an immediate danger to themselves or others or if handcuffs are solely used during a custodial arrest requiring transport.
2. When the student is openly displaying a deadly weapon, as defined in C.R.S. 18-1-901 (3)(e).

LEGAL REFS.: C.R.S. 18-1-703 (*use of physical force by those supervising minors*)  
C.R.S. 18-1-901 (3)(e) (*definition of a deadly weapon*)  
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. 22-1-140 (*definition of corporal punishment, and prohibition against volunteers or employees from imposing corporal punishment on a child*)  
C.R.S. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)  
C.R.S. 22-32-109.1 (2)(a)(I)(D) (*policy required as part of safe schools plan*)  
C.R.S. 22-32-109.1 (2)(a)(I)(L) (*policies for use of restraint and seclusion on students and information on the process for filing a complaint regarding the use of restraint or seclusion shall be included in student conduct and discipline code*)  
C.R.S. 22-32-109.1(2)(a)(D) (*prohibition against corporal punishment shall be included in student conduct and discipline code*)  
C.R.S. 22-32-109.1 (9) (*immunity provisions in safe schools law*)  
C.R.S. 22-32-147 (*use of restraints on students*)  
C.R.S. 26-20-101 *et seq.* (*Protection of Persons from Restraint Act*)  
1 CCR 301-45 (*State Board of Education rules for the Administration of the Protection of Persons from Restraint Act*)

## **USE OF PHYSICAL INTERVENTION AND RESTRAINT**

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#### **I. Definitions**

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

1. "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force and seclusion.
2. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement. "Physical restraint" does not include:
  - a. holding of a student for less than one minute by a staff person for the protection of the student or others;
  - b. brief holding of a student by one adult for the purpose of calming or comforting the student;
  - c. minimal physical contact for the purpose of safely escorting a student from one area to another;
  - d. minimal physical contact for the purpose of assisting the student in completing a task or response.
3. "Mechanical restraint" means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of the student's body. "Mechanical restraint" does not include:
  - a. devices recommended by a physician, occupational therapist or physical therapist and agreed to by a student's IEP team or Section 504 team and used in accordance with the student's Individualized Education Program (IEP) or Section 504 plan;
  - b. protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student's IEP or Section 504 plan;

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- c. adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with a student's IEP or Section 504 plan; or
  - d. positioning or securing devices used to allow treatment of a student's medical needs.
4. "Chemical restraint" means administering medication to a student (including medications prescribed by the student's physician) on an as needed basis for the sole purpose of involuntarily limiting the student's freedom of movement. "Chemical restraint" does not include:
- a. prescription medication that is regularly administered to the student for medical reasons other than to restrain the student's freedom of movement (e.g. Asthma-cort, medications used to treat mood disorders or ADHD, Glucagon); or
  - b. the administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diastat).
5. "Prone restraint" means a restraint in which the student being restrained is secured in a prone (i.e., face-down) position.
6. "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. Unlike physical restraints, there is no minimum time limit that triggers a seclusion. Rather, if a student is placed alone in a room for which egress is involuntarily prevented for any amount of time, this constitutes a seclusion, and the duties and notification requirements apply. "Seclusion" does not mean:
- a. placement of a student in residential services in the student's room for the night; or
  - b. time-out.
7. "Time-out" is the removal of a student from potentially rewarding people or situations. A time-out is not used primarily to confine the student, but to limit accessibility to

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

8. "Emergency" means serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property.
9. "Bodily injury" means physical pain, illness or any impairment of physical or mental condition as defined in C.R.S. 18-1-901 (3)(c).
10. "State Board Rules" mean the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act, 1 CCR 301-45.
11. "Parent" shall be as defined by the State Board rules.

## **II. Basis for use of restraint**

Restraints shall only be used:

1. In an emergency and with extreme caution; and
2. After:
  - a. the failure of less restrictive alternatives (such as Positive Behavior Supports, constructive and non-physical de-escalation, and re-structuring the environment); or
  - b. a determination that such alternatives would be inappropriate or ineffective under the circumstances.
3. Restraints shall never be used as a form of discipline or to control or gain compliance of a student..
4. School personnel shall:

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

### **III. Duties related to the use of restraint - general requirements**

When restraints are used, the 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 district staff who have received training in accordance with the State Board rules;
4. opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
5. when it is determined by trained district staff that the restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the restraint shall be removed; and
6. the student is reasonably monitored to ensure the student's physical safety.

Additionally, in the case of seclusion, staff shall reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student.

### **IV. Proper administration of specific restraints**

1. Chemical restraints shall not be used.

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

3. Physical restraint

- a. A person administering the physical restraint shall only use the amount of force necessary to stop the dangerous or violent actions of the student.
- b. A restrained student shall be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised.
- c. A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.

4. Seclusion

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

## **V. Notification requirements**

- 1. 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, and, if appropriate, the student of:



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- a. the restraint procedures (including types of restraints) that might be used;
  - b. specific circumstances in which restraint might be used; and
  - c. staff involved.
2. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, school personnel shall ensure that the meeting is convened.
  3. The required notification may occur at the meeting where the student's behavior plan or IEP is developed/reviewed.

VI. Documentation requirements

**Notification & Documentation of Brief Physical Restraints (This process does not include seclusions, which shall be documented as outlined below)**

1. For physical restraints lasting one (1) minute or more, but less than five (5) minutes, the school shall provide parents written notice on the day of the restraint, which shall include the following information:
  - a. The name of the student;
  - b. The date; and
  - c. The number of restraints that day that lasted between one (1) and five (5) minutes.
2. A copy of the written notice shall be placed in the student's educational record and forwarded to the Director of Exceptional Student Services or designee.

**Notification & Documentation of other Restraints**

1. For all seclusions of any length of time and physical restraints lasting five (5) minutes or more, the school principal or designee shall verbally notify the student's parents as soon as possible, but no later than the end of the school day, that the restraint was used.

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2. Within one (1) school day, the staff involved shall submit a written report regarding the incident to the school administration.
3. Within two (2) school days, appropriate school staff shall meet to review the incident. This review shall include, but not be limited to:
  - a. Review of the incident, including review of the written report submitted by the staff involved and any related documentation to ensure the use of alternative strategies;
  - b. Recommendations for adjustment of procedures, if appropriate; and
  - c. Follow-up communication with the student and student's family.
4. A written report based on the findings of the staff review shall be emailed, faxed or mailed to the student's parent within five calendar days of the use of restraint. The written report of the use of restraint shall include:
  - a. the antecedent to the student's behavior if known;
  - b. a description of the incident;
  - c. efforts made to de-escalate the situation;
  - d. alternatives that were attempted;
  - e. the type and duration of the restraint used;
  - f. injuries that occurred, if any; and
  - g. the staff present and staff involved in administering the restraint.
5. A copy of the written report on the use of restraint shall be placed in the student's educational record and forwarded to the Director of Exceptional Student Services or designee.

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

### **VII. General review process**

1. The 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 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.
2. The review shall include, but is not limited to:
  - a. an analysis of incident reports, including all reports prepared to fulfill the documentation requirements outlined in the policy but not limited to procedures used during the restraint, the preventative or alternative techniques tried, and staff compliance with documentation and review requirements;
  - b. training needs of staff;
  - c. staff to student ratio; and
  - d. environmental conditions, including physical space, student seating arrangements and noise levels.
3. Data from the annual review must be submitted to the Colorado Department of Education beginning no later than June 30, 2023 and every June 30 thereafter.

### **VIII. Staff training**

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

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- a. a continuum of prevention techniques;
  - b. environmental management;
  - c. a continuum of de-escalation techniques;
  - d. nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
  - e. methods to explain the use of restraint to the student who is to be restrained and to the student's family; and
  - f. appropriate documentation and notification procedures.
3. Retraining shall occur at a frequency of at least every two years.

**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)

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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.