



Corporal Punishment/ Use of Physical Intervention and Restraint

To maintain a safe learning environment, Colorado Early Colleges' ("CEC") Crisis Prevention Intervention ("CPI") team members, within the scope of their employment and consistent with state law, may use physical intervention and/or restraint with students. Restraint shall be used only in an emergency and with extreme causation and after the failure of less restrictive alternatives or a determination that such alternatives would be inappropriate or ineffective under the circumstances. CEC shall not use restraint or seclusion as a form of discipline or to gain compliance from a student unless the restraint or seclusion is used for the safety of others, or the safety of the student as outlined below.

Such actions shall not be considered child abuse or corporal punishment if performed by trained employees in good faith and in compliance with this policy and accompanying regulation. This policy applies to incidents that occur on school property or at an off-campus, school-sponsored event or activity.

Definitions

In accordance with state law and the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act (1 CCR 301-45), the following definitions apply for purposes of this policy.

1. "Bodily injury" means physical pain, illness or any impairment of physical or mental condition as defined in C.R.S. 18-1-901(3)(c).
2. "Complaint" means a signed, written document alleging that there has been a misuse of the use of restraints or seclusion on a student.
3. "Corporal Punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a child. It does not include:
 - a. An amount of force that is reasonable and necessary to quell a disturbance that threatens physical injury to persons or damage to property, necessary for purposes of self-defense, or used to obtain possession of a weapon or other dangerous object within the control of a child; or
 - b. Physical pain or discomfort caused by athletic competition or other similar physical activity in which a child is voluntarily engaged.
4. "Deadly Weapon" means a firearm, whether loaded or unloaded; a knife, bludgeon, or any other weapon, device, instrument, material, or substance, 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.

5. "Emergency" means serious, probable, imminent threat of bodily injury to self or others with the present ability to cause such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property. However, if property damage might be involved, restraint or seclusion may only be used when the destruction of property could possibly result in bodily harm to the individual or another person.
6. "Parent" shall be as defined by 1 CCR 301-45.
7. "Positional Asphyxia" means an insufficient intake of oxygen as a result of a body position that interferes with one's ability to breathe.
8. "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, mechanical devices, and chemicals.
 - a. "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:
 - i. Prescription medication that is regularly administered to the student for medical reasons other than to restrain the student's freedom of movement (e.g., Azmacort, medications used to treat mood disorders or ADHD, Glucagon); or
 - ii. The administration of medication for voluntary or life-saving medical procedures (e.g., EpiPens, Diastat).
 - b. "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:
 - i. 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;
 - ii. 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; or
 - iii. 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
 - iv. Positioning or securing devices used to allow treatment of a student's medical needs.
 - c. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement for one (1) minute or more. "Physical restraint" does not include:
 - i. A physical intervention with a student or holding of a student in a position other than a prone position for less than one (1) minute by a staff person for the protection of the student or others or to prevent or stop the destruction of property;
 - ii. Brief holding of a student by one adult for the purpose of calming or comforting the student, not to include holding a student in a prone position;
 - iii. Minimal physical contact for the purpose of safely escorting a student from one area to another; or
 - iv. Minimal physical contact for the purpose of assisting the student in completing a task or response.
 - d. "Prone position" means a face-down position.
 - e. "Prone restraint" means a restraint in which the individual who is being restrained is secured in a prone position.

9. "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. "Seclusion" does not mean:
 - a. Placement of a student in residential services in the student's room for the night; or
 - b. "Time-out," which is the removal of a student from potentially rewarding people or situations. A time-out is not used primarily to confine the student, but to limit accessibility to reinforcement. In time-out, the student is not physically prevented from leaving the designated time-out area. Such a time-out requires effective monitoring by staff.
10. "School Day" means any day or partial day that students are in attendance at the public education programs, agencies or services or sponsored events.

Restraint will only be administered by trained CPI team members, or school security staff, for the period of time necessary and using no more force than is necessary. No CEC staff member outside the CPI team, or school security staff should physically restrain a student; unless a student is openly displaying a deadly weapon, as defined in C.R.S. § 18-1-901(3)(e). CEC employees and volunteers are prohibited from the imposition of corporal punishment to any student. All procedures for handling physical intervention and/or restraint are outlined in each school's CPI Training Manual. CPI team members receive training or retraining every two (2) years in accordance with 1 CCR 301-45.

It might become necessary for CPI team members or school security staff to use reasonable and appropriate physical intervention and/or restraint with a student:

- To quell a disturbance threatening physical injury to the student or others;
- To quell a disturbance threatening damage to property when the destruction of such property could possibly result in bodily harm to the individual or another person;
- For the purposes of self-defense; and
- To obtain possession of weapons or other dangerous objects within the control of the student.

When restraints, including seclusion, are used, CEC 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 staff who have received training in accordance with 1 CCR 301-45;
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 school personnel 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. In the case of seclusion, staff must reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student;
6. The student is reasonably monitored to ensure the student's physical safety; and
7. A school resource officer or a law enforcement officer acting in the officer's official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall not use handcuffs on any student, unless there is a danger to themselves, or others or handcuffs are used during a custodial arrest that requires transport.

Proper Administration of Specific Restraints

1. Chemical restraints shall not be used.
2. Mechanical restraints shall not be used, except:
 - a. When the student is openly displaying a deadly weapon;
 - b. When used by armed security officers or certified peace officers employed by the school who have received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone holds and who have made a referral to a law enforcement agency.
3. Physical restraint shall only be used in accordance with the following:
 - 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 must be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised; and
 - c. A student shall be released from physical restraint within fifteen (15) minutes after the initiation of the restraint, except when precluded for safety reasons.
4. Prone restraint shall not be used by the school except:
 - a. When the student is openly displaying a deadly weapon;
 - b. When used by armed security officers or certified peace officers employed by the school who have received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone holds and who have made a referral to a law enforcement agency.
5. Seclusion shall only be used in accordance with the following:
 - 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. To the extent possible under the specific circumstances, the space should be free of injurious items; and
 - c. If the school uses a seclusion room, there must be at least one (1) window for monitoring when the door is closed. If a window is not feasible, monitoring must be possible through a video camera. A student placed in a seclusion room must be continually monitored. The room must be a safe space free of injurious items. The seclusion room must not be a room that is used by school staff for storage, custodial, or office space.

Documentation and Notification

If there is a reasonable probability that restraint or seclusion might be used with a particular student, appropriate school staff must notify, in writing, the parents and, if appropriate, the student, of the restraint or seclusion procedures (including types of restraints) that might be used, specific circumstances in which restraint or seclusion 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 meeting where the student's Behavior Plan or IEP is developed/reviewed.

If any type of restraints or seclusion are used by any school employee or volunteer, the employee or volunteer must provide notice to the Head of School as soon as possible but no later than the end of the school day and must submit a written report via email within one (1) school day to the Head of School. The Head of School or designee must notify the Parent verbally, the same day as the use of the restraint or seclusion, that restraint or seclusion was used.

For a physical restraint on a student that lasts one minute or more but less than five minutes (1:00-4:59 minutes), a Parent must be notified in writing on the day of the physical restraint (this can be in addition to the verbal notification). This written notice must include:

1. The date;
2. The student's name; and
3. The number of physical restraints that day that lasted one minute or more but less than five minutes (1:00-4:59 minutes). If there were multiple physical restraints on that day and one restraint lasted five minutes or more, the Parent shall be informed that they will receive a more detailed written report regarding the longer physical restraint(s) within five (5) calendar days.

When an employee or volunteer uses a restraint on a student that lasts five minutes or more, the school administration shall complete a written report regarding the incident. The school administration shall mail, fax, or e-mail a written report of the incident to the Parent of the student not more than five (5) calendar days after the use of the restraint on the student. The Head of School must also review the report with the CEA to assure that appropriate procedures were followed and to minimize future use of restraint when possible.

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 deescalate 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 shall be placed in the student's confidential file.

Annual Review and Report

CEC will conduct an annual general review process to ascertain that all network schools are 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:

- Analysis of incident reports, including, but not limited to procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
- Training needs of staff;
- Staff-to-student ratio; and
- Environmental considerations, including physical space, student seating arrangements, and noise levels.

In the written Annual Restraint Review Report, CEC shall:

- Document the number of students restrained in a year and the total number of restraints in a year. For physical restraints, the report should include:

- the total number of physical restraints lasting one or more but less than five minutes;
 - the total number of restraints lasting five minutes or more;
 - the number of students who experienced at least one restraint lasting from 1:00-4:59 minutes; and
 - the number of students who experienced at least one restraint lasting five minutes or more.
- The report should also include differentiated information for mechanical and prone restraints, if any, that were administered by safety employees.
 - Include an analysis of the data and records reviewed.
 - Without revealing any confidential student data, CEC shall also include the context for when and why restraints may be necessary to protect students from self-harm or from harming other students or staff.

No later than June 30, 2024, and by every June 30 thereafter, CEC shall submit the Annual Restraint Review Report from the annual review to the Department of Education. CEC shall submit one unredacted version of the report and one redacted version of the report where data reflecting less than sixteen (16) students is redacted to protect student privacy. A member of the public can request any Annual Restraint Review Report by emailing cde_communications_office@cde.state.co.us, and they will be provided the versions of the reports that protect student privacy. The department of education will maintain these Annual Restraint Review Reports for three years after they are submitted.

Complaints

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 the School utilizing the School's Grievance Policy and/or the state complaint procedures established pursuant to 1 CCR 301-45.