



# Mountain Song Community School Restraint and Seclusion Policy

To maintain a safe learning environment, trained school 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. 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.

## A. 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. Asthma-cort, 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 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 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.

## B. Applicability

The requirements of this policy shall apply to all school personnel, before and after school providers, and any public or private entities with which the School contracts during any and all educational programs, activities, or events provided, supervised, or sponsored by the School, including off-campus school-sponsored events.

## C. Basis for Use of Physical Intervention

Corporal punishment shall not be administered to any student by any school employee.

Within the scope of their employment, trained school 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:

- To quell a disturbance threatening physical injury to the student or others, or damage to property;
- For the purposes of self-defense; and

- To obtain possession of weapons or other dangerous objects within the control of the student.

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

## D. Basis for Use of Restraint and Seclusion

Restraints and seclusion 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. Restraint or seclusion must not be used as a form of discipline or to gain compliance from a student.
4. School personnel shall:
  - a. Use restraints and seclusion only for the period of time necessary and using no more force than necessary; and
  - b. Prioritize the prevention of harm to the student.

## E. Duties Related to the Use of Restraint and Seclusion – General Requirements

When restraints, including seclusion, are used, the School 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.

## F. 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 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.

- c. If the school uses a seclusion room, there must be at least one 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.

## G. Staff Training

1. The School shall ensure that staff utilizing restraint or seclusion are trained in accordance with 1 CCR 301-45.
2. Training shall include:
  - a. A continuum of prevention techniques; environmental management;
  - b. A continuum of de-escalation techniques;
  - c. 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;
  - d. Methods to explain the use of restraint or seclusion to the student who is to be restrained and to the student's family;
  - e. Appropriate documentation and notification procedures, including monitoring and recording the time duration of a restraint or seclusion; and
  - f. Retraining shall occur at a frequency of at least every two years.

## H. Documentation, Notification and Individual Review Requirements

1. If there is a reasonable probability that restraint or seclusion might be used with a particular student, designated appropriate school personnel shall notify, in writing, the student's parents, and, if appropriate, the student of:
  - a. The restraint or seclusion procedures (including types of restraints) that might be used;
  - b. Specific circumstances in which restraint or seclusion 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. The required notification may occur at the meeting where the student's behavior plan or IEP is developed or reviewed.
3. The school will have procedures to require that the use of restraint or seclusion is documented in the record of the student that was restrained or secluded.
4. If any type of restraint or seclusion is used by any school employee, the employee must provide notice to their school or administration as soon as possible to ensure that the Parent is notified the same day as the use of the restraint or seclusion. The employee

must submit a written report via email within one (1) school day to the Executive Director or designee.

5. For any type of restraint on a student or for the use of seclusion, the Executive Director or designee shall verbally or in writing notify the Parent or Guardian as soon as possible but no later than the end of day that a restraint or seclusion was used. Additional communication and documentation requirements are listed below depending on the duration of the restraint.
  - a. For a physical restraint on a student that lasts one minute or more but less than five minutes, a Parent or Guardian must be notified in writing on the day of the physical restraint in addition to a verbal notification. The written notice must include the date, the student's name, and the number of physical restraints that day that lasted one minute or more but less than five 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 calendar days.
  - b. When an employee 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 email a written report of the incident to the Parent or Guardian of the student no more than five calendar days after the use of the restraint on the student. This applies to employees when they use any type of restraint. The written report must include:
    - a. The antecedent to the student's behavior if known;
    - b. A description of the incident;
    - c. Efforts made to deescalate 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.

A copy of the written report on the use of restraint shall be placed in the student's confidential file.

6. When administration completes the written report, the administration or their designee should also conduct a review of the incident to assure that appropriate procedures were followed and to minimize the future use of restraint when possible. The review shall include, but is not limited to:
  - a. Ensuring follow up communication with the student and the student's Parent or Guardian ;
  - b. Considering whether there were alternative strategies that could have been used; and
  - c. Recommending for adjustment of procedures, if appropriate.

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

## I. Annual Review of the Use of Restraint

1. The School shall ensure that a formal review process is established for the appropriate use of restraint, shall conduct the review process at least annually, and shall document the results of the review process in an Annual Restraint Review Report. The purpose of the general review is to ascertain that the School 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. Analyzing incident reports, including procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
  - b. Considering the training needs of staff;
  - c. Reviewing the staff to student ratios; and
  - d. Reviewing environmental conditions, including physical space, student seating arrangements and noise levels.
3. In a written Annual Restraint Review Report the school will:
  - a. Document the number of students restrained in a year and the total number of restraints in a year. For physical restraints, the report will include: 1) the total number of physical restraints lasting one or more but less than five minutes, 2) the total number of restraints lasting five minutes or more, 3) the number of students who experienced at least one restraint lasting from 1 to 4:59 minutes, and 4) the number of students who experienced at least one restraint lasting five minutes or more. The report will also include differentiated information for mechanical and prone restraints, if any, that were administered by law enforcement or school resource officers,
  - b. Track its own restraints.
  - c. Include an analysis of the data and records reviewed. Without revealing any confidential student data, the School may 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.
4. No later than June 30, 2024, and by June 30 thereafter, the school will submit the Annual Restraint Review Report from the annual review conducted to the Colorado Department of Education in accordance with 1 CCR 301-45-2.05(5). A member of the public can request any Annual Restraint Review Report by emailing [cde\\_communications\\_office@cde.state.co.us](mailto:cde_communications_office@cde.state.co.us).

## J. Exceptions

The provisions of this policy shall not apply to Peace Officers who are acting in the scope of their employment or in accordance with Section 16-3-109, C.R.S. or to any public education agency while engaged in transporting a student from one facility to another facility or location when it is within the scope of the agency's powers and authority to effect such transportation



## K. 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.

**Adopted: XXX, 20XX**

### **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 (corporal punishment prohibited – definition)  
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 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 (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)