

## Regulation JKA-R

### 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, 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 Hold" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement for less than five minutes by a staff person for the protection of the student or others. Physical holds are subject to the same training, reporting and safety requirements as restraints, except as articulated in this regulation.
3. "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 five minutes 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.
4. "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;
  - 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.
5. "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).

6. "Prone restraint" means a restraint in which the student being restrained or held is secured in a prone (i.e., face-down) position.
7. "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. Seclusion is not an approved form of intervention in Denver Public Schools. Seclusion is not defined as time-out.
8. "Modified Seclusion" means the placement of a student in a room from which egress is involuntarily prevented, accompanied by two or more staff members who are appropriately trained according to this regulation and its accompanying policy. Modified Seclusion does not include time-out.
9. "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 reinforcement. In time-out, the student is not physically prevented from leaving the designated time-out area and is effectively monitored by staff.
10. "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.
11. "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).
12. "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.
13. "Parent" shall be as defined by the State Board rules.

## **B. 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 punitive form of discipline or as a threat to gain control or gain compliance of a student's behavior when safety is not at issue.
4. School personnel shall:
  - 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.

## **C. Duties related to the use of physical holds and restraint - general requirements**

When holds or restraints are used, the District shall ensure that:

1. no hold or restraint is administered in a manner that discriminates against a student based on his or her protected class status;
2. no hold or restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
3. no hold or restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;
4. restraints are only administered by District staff who have received training in accordance with the State Board rules;
5. opportunities to have the hold or restraint discontinued are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
6. when it is determined by trained District staff that the hold or restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the hold or restraint shall be discontinued; and
7. the student is reasonably monitored to ensure the student's physical safety.

Additionally, in the case of modified 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.

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

1. Chemical restraints shall not be used.
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/physical hold:
  - a. A person administering the physical hold or 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 shall not be used. In cases where modified seclusion is used:
  - a. Two or more appropriately trained staff members shall accompany the student at all times.
  - b. Relief periods from seclusion shall be provided for reasonable access to toilet facilities.
  - c. Any space in which a student is secluded shall have adequate lighting, ventilation and size.
  - d. To the extent possible under the specific circumstances, the space should be free of injurious items.

#### **E. Notification requirements**

1. If there is a reasonable probability that a physical hold or 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:
  - a. the hold/restraint procedures (including types of restraints) that might be used;
  - b. specific circumstances in which restraint might be used; and
  - c. staff involved.
2. 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.

#### **F. Documentation requirements**

1. If physical holds or restraints are used, a written report shall be submitted within one school day to school administration.
2. 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.
3. A written report based on the findings of the staff review required by paragraph G. below shall be emailed, faxed or mailed to the student's parent within five calendar days of the physical hold or use of restraint. The written report of the use of physical hold/restraint shall include:
  - a. the student's name, grade, and school of attendance;
  - b. the antecedent to the student's behavior if known;
  - c. a description of the incident;
  - d. efforts made to de-escalate the situation;
  - e. alternatives that were attempted;
  - f. the type and duration of the restraint used;
  - g. injuries that occurred, if any; and
  - h. the staff present and staff involved in administering the restraint.
4. A copy of the written report on the use of the physical hold or restraint shall be forwarded to the Restraint Compliance Officer within five calendar days, and it will be placed in the student's confidential file maintained centrally.
5. Department of Safety Officers are not required to report on physical holds, and will work collaboratively with the teacher preparing the written report if a restraint was in progress before the Department of Safety Officer arrived on the scene.

#### **G. Review of specific incidents of restraint**

1. The 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.
2. The review shall include, but is not limited to:
  - a. staff review of the incident;
  - b. follow up communication with the student and the student's family;
  - c. review of the documentation to ensure use of alternative strategies;
  - d. recommendations for adjustment of procedures, if appropriate.

3. If requested by the District or the student's parents, the District 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.

#### **H. 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 physical holds and restraint, identifying additional training needs, minimizing and preventing the use of physical holds and 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. analysis of incident reports, including all reports prepared pursuant to paragraphs F.1 and F.3 above and including, but not limited to, procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
  - b. training needs of staff;
  - c. staff to student ratio; and
  - d. environmental conditions, including physical space, student seating arrangements and noise levels.

#### **I. Staff training**

1. The District shall ensure that staff utilizing restraint or modified seclusion in schools are trained in accordance with the State Board rules.
2. Training shall include:
  - 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 annually.

#### **J. Grievance Process**

Parents, guardians or advocates may direct any complaints related to the use of physical holds or restraint by contacting the District's Restraint Compliance Officer in the Office of Student Equity and Opportunity at [RestraintComplianceOfficer@dpsk12.org](mailto:RestraintComplianceOfficer@dpsk12.org). Any complaint shall include a detailed description of the basis for the complaint and the names of the parties involved, including any witnesses. The complaint must be made within 30 days of the notification of the physical hold or restraint in question.

The Restraint Compliance Officer shall appoint a designee to investigate the matter and communicate with the Complainant about his or her formal and informal rights and options to ensure that the complaint is properly addressed in a prompt and equitable fashion. When the complaint is related to the Department of Safety or any of its employees, the designee shall be the Chief of Safety. The Complainant shall be notified of the outcome of the investigation within 15 business days of the receipt of the complaint.

Please note that for complaints of discrimination based on disability, or for complaints related to the evaluation, identification, placement or provision of services to students with disabilities, the procedures outlined in **JB-R-1 and JB-R-2, respectively**, shall apply.