



HRCS Physical Intervention, Restraints and Seclusion Policy

Purpose

This policy ensures that any use of physical intervention, restraint, or seclusion at High Rockies Community School (HRCS) complies with Colorado law, protects student safety and dignity, and is applied only under limited, legally permissible circumstances. HRCS prohibits corporal punishment and prioritizes positive behavior supports and non-physical interventions to prevent the need for restraint or seclusion.

Definitions

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 learner.
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 affect such bodily injury. Emergency includes situations in which the learner 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 involuntarily administering medication to a student) on an as needed basis for the purpose of restraining the student. "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, insulin or Glucagon); or
 - ii. The administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diazepam).
 - b. "Mechanical restraint" means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of a portion of their 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 a physician, 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 recommended by a physician, occupational therapist or physical therapist, and consistent with a student's IEP or Section 504 plan.
 - c. "Physical restraint" means the use of bodily, physical force to involuntarily limit a student's voluntary freedom of movement for more than one minute. "Physical restraint" does not include:
 - i. A physical intervention administered on a student that last one minute or less for the protection of the student or others or to prevent or stop the destruction of property;
 - ii. Holding of a student by one adult for the purpose of calming or comforting the student;
 - iii. Minimal physical contact for the purpose of safely escorting a student from one place to another; or
 - iv. Minimal physical contact for the purpose of assisting the student in completing a task or response.
9. "Seclusion" means the placement of a student alone in a room from which egress is prevented. "Seclusion" is a form of restraint. "Seclusion" does not include:
 - a. Placement of a learner in residential services in the learner's room for the night; or

- b. A “time-out”, which is the removal of a student from a potentially rewarding situation, or from a situation that would otherwise produce negative reinforcement. A time-out does not prevent a student’s egress.
10. “School Day” means any day or partial day that learners attend the public education programs, agencies or services or sponsored events.

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 HRCS contracts during any and all educational programs, activities, or events provided, supervised, or sponsored by HRCS, including off-campus school-sponsored events.

Prohibited Practices

Corporal punishment shall not be administered to any learner by any school employee, contractor, or volunteer.

Additionally, HRCS prohibits the following practices:

- The use of restraints or seclusion as a form of punishment or discipline.
- The use of mechanical restraints, unless used to support a student’s disability-related needs as outlined in an IEP or Section 504 plan.
- The use of restraint or seclusion in a manner that could cause harm or injury to the student.

Use of Physical Intervention, Restraint, or Seclusion

Under state law, physical intervention may only be used under the following conditions:

- 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 are followed.

The use of a restraint on a student is prohibited when the student is on the property of the school or is participating in an off-campus activity or event sponsored by the school. The prohibition described in subsection does not apply to:

1. the use of mechanical, physical, or prone restraints on a student who openly displays a deadly weapon, as defined in section C.R.S. 18-1-901;
2. the use of mechanical or prone restraints by an armed security officer or a certified peace officer working in the school’s facilities when the officer:
3. has received documented training in defensive tactics utilizing handcuffing procedures;
4. has received documented training in restraint tactics utilizing prone restraint; and
5. has made a referral to a law enforcement agency and is making an arrest;
6. the use of mechanical, physical, or prone restraints by a school resource officer or a law enforcement officer acting in the officer’s official capacity on the school’s property, in a school vehicle, or at an activity or event sponsored by the school if there is a danger to the student or others or during a custodial arrest that requires transport; and

7. the use of a physical restraint or seclusion in an emergency after the failure of less restrictive alternatives; or
8. the use of a physical restraint or seclusion in an emergency after a determination that less restrictive alternatives would be inappropriate or ineffective during the emergency.

Staff Training

All HRCS staff members will receive annual training on the use of physical interventions, restraints, and seclusion. The training will include:

- Techniques for de-escalating situations without the use of physical intervention.
- The recognition of signs of distress and the proper use of calm-down strategies.

Staff will also be trained in recognizing when physical intervention or restraint is inappropriate and when to seek support from leadership or specialized staff. At least two staff members will be trained in the safe application of restraint and seclusion, focusing on minimizing the risk of injury, and how to explain the use of restraint to the student who is to be restrained and the student's family. Only those trained staff members will be permitted to use physical interventions, restraints, and seclusion.

Documentation and Reporting

1. If there is a reasonable probability that a physical restraint or seclusion might be used with a particular student, designated appropriate school personnel shall notify, in writing, the student's parent or legal guardian, 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. Employees or agents who may be involved.

The written request should include a request to meet with the parent or legal guardian to discuss the notice.

2. A school employee or agent who uses a restraint on a student must submit a written report of the incident to the school no later than one day after the incident occurred.
3. For a physical restraint on a student that lasts more than one minute but less than five minutes, the school will provide written notice on the day of the restraint to the Parent or Guardian. The written notice must include the date, the student's name, and the number of physical restraints that day that lasted between one and five minutes.
4. When an employee uses a restraint on a student that lasts five minutes or more, or if the student is placed in seclusion for any length of time, the school shall provide verbal notice on the day of the physical restraint or seclusion to the parent or legal guardian and shall mail or email a written report of the incident to the parent or legal guardian of the student no more than five calendar days after the use of the restraint on the student.

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 to the use of restraints that were attempted;
- e. The type and duration of the restraint used;
- f. Injuries that occurred, if any;
- g. The staff present and staff involved in administering the restraint;
- h. The start and end time of the physical restraint or seclusion;

- i. Details concerning the notification provided to the parent or legal guardian; and
 - j. For seclusion, details concerning whether the door was opened or closed.
- A copy of the written report on the use of restraint shall be placed in the student's confidential file.

Use of Restraint or Seclusion with Students with Disabilities

For students with disabilities, any use of restraint or seclusion must align with the student's Individualized Education Program (IEP) or Section 504 Plan. The school will work with the student's team to ensure that the use of restraint or seclusion is in line with the student's specific needs and educational goals.

If a student with a disability is subjected to restraint or seclusion, HRCS will follow the guidelines set out in the IDEA and related regulations, ensuring that appropriate behavioral interventions are in place to address the student's needs.

Follow-up and Behavioral Support

After any incident involving physical intervention, restraint, or seclusion, HRCS will review the student's behavioral needs and consider whether additional supports are needed to prevent future incidents. This may include:

- A review of the student's behavior intervention plan (BIP)
- The development of additional support strategies, such as counseling or social skills development
- Collaboration with the student's family and other support professionals to ensure the student's safety and success in school

Annual Review on the Use of Restraint

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 writing. The purpose of the general review is to ensure that the School is properly administering restraint, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions.

Grievances

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 agent of the School utilizing the [HRCS Grievance Policy](#) and/or the state complaint procedures established pursuant to 1 CCR 301-45. The Colorado Department of Education has enforcement authority over restraint investigation procedures.

Legal References

C.R.S. 22-15-5-101 et. seq., (Protection of Students from Restraint and Seclusion Act)
C.R.S. § 22-32-109.1 (2)(a)(I) (Safe Schools Plan)
C.R.S. § 22-32-109.1 (2)(a)(I)(E) (Restorative justice practices)
C.R.S. § 22-32-109.1 (3) (Agreements with state agencies)
C.R.S. § 22-33-106 (1)(c.5) (Definition of a habitually disruptive student)
C.R.S. § 22-33-204 (Services for at-risk students)
20 U.S.C. 1401 et seq. (Individuals with Disabilities Education Improvement Act of 2004)
34 C.F.R. 300.530–300.537 (IDEA regulations)