



## **JKA - PHYSICAL INTERVENTION, RESTRAINT, SECLUSION AND TIME-OUT**

In order to maintain a safe environment conducive to learning, District employees may, within the scope of their employment and to the extent their actions comply with governing law, use physical intervention, restraint, seclusion and time-out with students as provided in this policy. Such actions shall not be considered child abuse or corporal punishment if performed in good faith and in compliance with this policy.

### **PHYSICAL INTERVENTION**

Corporal punishment shall not be administered to any student by any District employee. However, it shall be permissible under this policy for District employees within the scope of their employment (including involvement in extracurricular activities) to physically intervene with a student in a manner that does not constitute “restraint” as defined under this policy as reasonably necessary to protect persons or property, prevent an act of wrongdoing and/or maintain student discipline.

### **RESTRAINT, SECLUSION AND TIME-OUT**

As used in this policy, the following definitions shall apply:

- “Bodily injury” means physical pain, illness or any impairment of physical or mental condition.
- “Positional asphyxia” means an insufficient intake of oxygen as a result of body position that interferes with one’s ability to breathe.
- “Restraint” means any method or device used to involuntarily limit a student’s freedom of movement, including bodily physical force, mechanical devices, chemicals and seclusion.
- “Restraint” does not include use of the following devices, which are permissible: (1) devices recommended by a physician, occupational therapist or physical therapist and agreed to by the student’s IEP team or Section 504 team and used in accordance with the student’s IEP or Section 504 Plan; (2) protective devices such as helmets, mitts and similar devices used to prevent self-injury and in accordance with the student’s IEP or Section 504 Plan; (3) adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with the student’s IEP or Section 504 Plan; or (4) positioning or securing devices used to allow treatment of the student’s medical needs.

- “Restraint” does not include the following actions, which are permissible: (1) holding of the student in a position other than a face-down position for less than five minutes by a District employee for protection of the student or other persons, including cases where the student’s abuse or destruction of property creates a probable, imminent threat of bodily injury to the student or to other persons; (2) brief holding of the student by a District employee in a position other than a face-down position for purposes of calming or comforting the student; (3) minimal physical contact for the purpose of safely escorting the student from one area to another; (4) minimal physical contact for the purpose of assisting the student in completing a task or response; or (5) the use of time-out as defined in this policy.
- “Seclusion” means the placement of a student alone in a room from which the student’s egress is involuntarily prevented, but does not include the use of time-out as defined in this policy.
- “Time-out” means both non-exclusionary time-out (removal of social reinforcers such as teacher or classmate attention, physical contact or verbal interaction, or removal of materials with which student has been interacting) and exclusionary time-out at three levels: (1) CONTINGENT OBSERVATION - removal of student from current environment to another location in the room or setting from which student can observe but not participate in the ongoing instruction or other activity; (2) EXCLUSION TIME-OUT - removal of student from current environment to another location in the room or setting where student cannot observe the ongoing instruction or activity; and (3) ISOLATION TIME-OUT - isolation of student from all probable reinforcers by being placed in a different room with adequate lighting, no smaller than 6 feet x 6 feet with normal ceiling height and a non-injurious environment; under the constant supervision of a qualified employee who remains in the room at all times, or if the student is in the room alone egress is not prevented.

## TIME-OUT

Non-exclusionary and exclusionary time-out may be used by authorized District employees to address inappropriate student behavior.

In addition to being placed in a non-exclusionary or exclusionary time-out by an authorized District employee, a student may, pursuant to an IEP, Section 504 Plan, behavior plan or otherwise with the permission of an authorized employee, voluntarily assume a time-out to regain control and/or reflect on behavior at a location or in a room from which egress is not prevented.

## RESTRAINT

District employees shall not use restraint with any student by means of mechanical devices or chemicals, and shall not use restraint that involves holding the student in a

face-down position, except that mechanical restraints and restraints in a face-down position are not prohibited with respect to students who are openly displaying a deadly weapon, as defined by Colorado statute. However, it shall be permissible under this policy for District employees, within the scope of their employment (including involvement in extracurricular activities), to use the amount of physical force for the period reasonably necessary to restrain a student in a position other than a face-down position in situations where the student poses a serious, probable and imminent threat of bodily injury to himself/herself or to others, with the present ability to effect such bodily injury. It shall also be permissible for District employees, within the scope of their employment, to use the amount of physical force for the period reasonably necessary to restrain a student in a position other than a face-down position in situations where the student's abuse or destruction of property creates such a threat. Physical restraint under these circumstances should only be used after the failure of less restrictive alternatives (such as positive behavior supports, constructive and non-physical de-escalation, or restructuring the student's environment), or a determination that such alternatives would be inappropriate or ineffective under the circumstances. The provisions of this policy concerning restraint shall not apply while the District is engaged in transporting a student from one facility or location to another facility or location.

When restraints are used, the District shall ensure that:

- No restraint is administered in such a way that the student is inhibited or impeded in breathing or communicating.
- No restraint is administered in such a way that places excess pressure on the student's chest or back, or causes positional asphyxia.
- Restraints are administered only by District employees who have received training as provided in this policy.
- Opportunities to have the restraint removed are provided to the student if and when the student indicates that he or she is willing to cease the violent or dangerous behavior.
- A physically restrained student is continuously monitored to ensure that the student's breathing is not compromised.
- A student is released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.
- Back-up support is called if the restraint being used appears ineffective in de-escalating the student's behavior.

## SECLUSION

It shall be permissible under this policy for District employees, within the scope of their employment, to place a student in seclusion when the student poses a serious, probable and imminent threat of bodily injury to himself/herself or to others, with the present ability to effect such bodily injury. It shall also be permissible for District employees, within the scope of their employment, to place a student in seclusion when the student's abuse or destruction of property creates such a threat. Seclusion may only be used for that period of time when it is unsafe for another person to be in the same room with the student, and only if the student is placed in a room with adequate lighting, no smaller than 6 feet x 6 feet with normal ceiling height and a non-injurious environment, under the constant observation of a qualified employee immediately outside the room. Relief periods from seclusion shall be provided for reasonable access to toilet facilities.

## ADDITIONAL CONSIDERATIONS REGARDING RESTRAINT AND SECLUSION

Where the need for a student's restraint or seclusion is reasonably foreseeable, staff should consider providing for it in the student's IEP, Section 504 Plan and/or behavior plan. Restraint or seclusion should be used only for the period of time necessary to accomplish its purpose. Neither restraint nor seclusion should be used as a punitive form of discipline or as a threat to control or gain compliance of a student's behavior.

## TRAINING

District employees who may use restraint against a student as defined in this policy shall be provided training that includes a continuum of prevention techniques; environmental management; a continuum of de-escalation techniques; 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 restraint in a face-down position; methods to explain the use of restraint to the student who is being restrained and to the student's family; appropriate documentation and notification procedures; and retraining at a frequency of at least every two years.

## NOTIFICATION, REPORTING AND REVIEW

If there is a reasonable probability that restraint or seclusion might be used with a particular student, a District employee must notify in writing the parent(s) or guardian, and if appropriate the student, of the restraint/seclusion procedures (including types of restraints) that might be used, specific circumstances in which restraint/seclusion might be used, and staff involved.

Within one school day after using restraint or seclusion, the responsible employee shall submit a written report of the incident to the principal or designee. The principal or designee shall notify the parent(s) or guardian of the incident involving restraint or

seclusion as soon as reasonably possible after it occurs, and shall determine what additional steps, if any, to take.

The principal or designee (or for students with disabilities, the IEP team or Section 504 team) shall review the conditions precipitating each use of restraint/seclusion and the District employee's use of restraint/seclusion to ascertain whether appropriate procedures were followed, whether additional action or follow-up is required (including follow-up communications with the student and/or the student's family), and whether alternative strategies may be more appropriate to minimize the future use of restraint. Such review may include consultation with the Director of Integrated Services.

A written report based on the foregoing review shall be transmitted to the parent(s) or guardian of the affected student within five calendar days of the incident, and a copy shall be placed in the student's confidential discipline and/or other appropriate file. The written report shall include the antecedent to the student's behavior (if known), a description of the incident, efforts made to de-escalate the situation, alternatives attempted (if any), the type and duration of restraint/seclusion used, injuries that occurred (if any), and the staff present and staff involved in administering the restraint.

A general review by the Superintendent or designee shall be conducted and documented in writing at least annually to ascertain that procedures concerning restraint and seclusion of students are appropriate. Such review shall include analysis of written reports concerning past incidents of restraint/seclusion; training needs of staff; staff-to-student ratio; and environmental considerations including physical space, student seating arrangements and noise levels.

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#### LEGAL REFS:

C.R.S. 18-1-703

C.R.S. 22-32-109.1(2)(a)

C.R.S. 22-32-147

C.R.S. 26-20-101 et seq.

1 CCR 301-45, Rule 2620-R-1.00 et seq.