

## Use of Physical Intervention and Restraint

To maintain a safe learning environment, district 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 and accompanying regulation. Such actions shall not be considered child abuse or corporal punishment if performed in good faith and in compliance with this policy and accompanying regulation.

### Physical intervention

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

Within the scope of their employment, district 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:

1. To quell a disturbance threatening physical injury to the student or others.
2. To obtain possession of weapons or other dangerous objects upon or within the control of the student.
3. For the purpose of self-defense.
4. For the protection of persons against physical injury or to prevent the destruction of property which could lead to physical injury to the student or others.

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

### Restraint

Restraint is defined by state law and this policy as any method or device used to involuntarily limit a student's freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals and seclusion. If property damage may be involved, restraint may only be used when the destruction of property could possibly result in bodily harm to the individual or another person. Restraint shall not include the holding of a student for more than one minute by a district employee for the protection of the student or others and other actions excluded from the definition of restraint in state law.

If a student is physically restrained for a period of time longer than one minute, but less than five minutes, the student's parent(s) are required to be notified. The notice must be given in writing on the same day the restraint occurs, and must include the date of restraint, student's name, and the number of times that day that the student was

restrained.

If a student is physically restrained for a period of time longer than five minutes the school administration shall verbally notify the parent or guardian as soon as possible, but not later than the end of the school day that the restraint was used. Additionally, the school administration shall mail, fax or e-mail written report of the incident, including all information required by law, to parent or legal guardian of the student not more than five calendar days after the use of the restraint of the student.

District employees shall not use restraint as a form of discipline or as a trait to control or gain compliance from a student. District employees are also prohibited from restraining a student by use of a mechanical restraint or chemical restraint, as those terms are defined by applicable State Board of Education rules and this policy's accompanying regulation.

If a student is placed in a seclusion room, the student must be continually monitored. The seclusion room must have at least one window to monitor students when the door is closed. If it is not feasible to utilize a room with a window, monitoring by video camera must be possible. The seclusion room must be a safe space free from injurious items and must not be a space used by school staff for offices, storage, or custodial purposes.

Restraint shall only be administered by district employees trained in accordance with applicable State Board of Education rules.

#### Exceptions

The restraint provisions in this policy and accompanying regulation shall not apply to:

1. Peace officers and or armed security officers working in a school and who meet the legal requirements of C.R.S. 26-20-111 (3), however, no law enforcement officer or armed security official shall use handcuffs on any student unless the student poses an immediate danger to themselves or other or if handcuffs are solely used during a custodial arrest requiring transport.
2. When the student is openly displaying a deadly weapon, as defined in C.R.S 18-1-901 (3)(e)

*NOTE: Information concerning the district's policies for the use of restraint and seclusion on students and information concerning the process for filing a complaint regarding the use of restraint and seclusion, as set forth by rules of the State Board of Education, must be included in the student conduct and discipline code distributed to students. C.R.S. 22-32-109.1 (2)(a)(I)(L).*

*CASB sample exhibit JKA-E-2 reflects the State Board's complaint process and may be included in the student conduct and discipline code to meet this notification requirement.*

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Revised: 07/24/00, 01/22/01, 7/26/10, 7/12 (legal ref.), 04/24/23

LEGAL REFS.: C.R.S. 18-1-703 (use of physical force by those supervising minors)

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. 22-32-109.1 (2)(a) (*adoption and enforcement of discipline code*)

C.R.S. 22-32-109.1 (2)(a)(D) (*policy required as part of safe schools plan*)

C.R.S. 22-32-109.1 (9) (*immunity provisions in safe schools law*)

C.R.S. 26-20-101 *et seq.* (*protection of persons from restraint*)

1 CCR 301-45 (State Board of Education rules for the administration of the Protection of Persons from Restraint Act)