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Statutory Authority: C.R.S. 26-20-108, C.R.S. 22-2-107(1)(a) and 22-2-107(1)(c)

## RULES FOR THE ADMINISTRATION OF THE PROTECTION OF PERSONS FROM RESTRAINT ACT

### 2620-R- 1.00 STATEMENT OF BASIS AND PURPOSE

- 1.00(1) These Rules were developed in accordance with C.R.S. 26-20-101, et seq. Specific statutory authority for the development of these Rules comes from C.R.S. 26-20-108. These Rules are provided pursuant to the terms of the "Protection of Persons from Restraint Act". These Rules outline the procedures to be followed in the administration of restraint, staff training, documentation requirements, and the review of the use of restraint.

### 2620-R- 2.00 DEFINITIONS

- 2.00(1) "Restraint" means any method or device used to limit freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals, and seclusion. The holding of a student for any length of time with any purpose or intent other than providing safety and/or comfort and support is considered a restraint.
- 2.00(2) "Physical Restraint" means the use of bodily, physical force to limit an individual's freedom of movement. "Physical Restraint" does not include holding of a student for less than five minutes by a staff person for protection of the individual or other persons. Holding, appropriate to the student's age, may only be used if the purpose and intent is to provide safety and/or comfort and support to the individual/student.

- 2.00(3) “Seclusion” means the placement of a student alone in a room from which egress is prevented. Seclusion does not mean:
- 2.00(3)(a) placement of a student in residential services in his or her room for the night; or
  - 2.00(3)(b) use of time-out as defined by written policies, rules, procedures or guidelines developed by the Department of Education.
- 2.00(4) “Chemical Restraint” means giving an individual medication, prescribed by their doctor, for the purpose of restraining that individual; or chemicals or drugs, including prescription medication, orally administered on an “as needed” basis to limit the physical freedom of the student. Chemical restraint does not include:
- 2.00(4)(a) prescription medication that is regularly administered to the student for medical reasons rather than to restrain the student’s freedom of movement (e.g. Asthma-Cort); or
  - 2.00(4)(b) the administration of medication pursuant to section 27-10-111 (4.5), C.R.S., or administration of medication for voluntary or life-saving medical procedures.
- 2.00(5) “Emergency” means serious, probable, imminent threat of bodily harm to self or others within the education environment. Emergency situations may exist when a student is destructing property which could lead to harm to the student or others.
- 2.00(6) “Mechanical Restraint” means a physical device used to restrict the movement of an individual or the movement or normal function of a portion of his or her body. “Mechanical Restraint” does not mean the use of protective devices or adaptive devices for providing physical support, prevention of injury, or voluntary or life-saving medical procedures.
- 2.00(7) Public education programs, agencies, or services shall mean public schools, public school-sponsored events, collaborative education programs and programs serving publicly funded students, such as approved private special education schools and including the Division of Youth Corrections and its contracted programs. The Department of Corrections (adult corrections) or any public or private entity that has entered into a contract for services with the Department of Corrections is not included.

2.00(8) "School Day" means any day or partial day that students are in attendance at the public education programs, agencies or services or sponsored events.

2620-R- 2.01 BASIS FOR THE USE OF RESTRAINT

2.01(1) Restraints shall only be used in an emergency and with extreme caution and is limited to situations in which there is serious, probable and imminent threat of bodily harm by a student with the present ability to cause such harm.

2.01(2) In all other situations less restrictive alternatives including, but not limited to, positive behavior supports, constructive, non-physical de-escalation and re-structuring of the environment shall be used.

2.01(3) School personnel shall:

2.01(3)(a) administer restraints only when needed to ensure the safety of the student and the school community, and only when needed to prevent the continuation or renewal of an emergency, in accordance with Section 2.01(1) of these Rules;

2.01(3)(b) use restraints only for the period of time necessary to accomplish its purpose and using no more force than is necessary; and

2.01(3)(c) prioritize prevention of harm to the student if a restraint is administered.

2.01(4) Restraints must never be used as a punitive form of discipline or as a threat to control or gain compliance of a student's behavior.

2.01(5) Devices intended for physical/occupational therapy uses must never be used as a mechanical restraint.

2620-R- 2.02 DUTIES RELATED TO THE USE OF RESTRAINT

2.02(1) General guidelines

2.02(1)(a) When restraints are used, the public education program shall ensure that:

- 2.02(1)(a)(i) restraint will be administered by staff who have been trained to assure the physical safety of the student;
  - 2.02(1)(a)(ii) no restraint is administered in such a way that the student is prevented from breathing or communicating;
  - 2.02(1)(a)(iii) no restraint is administered in such a way that places excess pressure on the student's chest, back, or extremities;
  - 2.02(1)(a)(iv) restraints are administered only by those who have received training, in accordance with Section 2.03 of these Rules;
  - 2.02(1)(a)(v) a student's behavior plan or IEP must address the specific circumstances, procedures and staff involved if there is a possibility that restraint might be used as part of crisis management;
  - 2.02(1)(a)(vi) opportunities to have the restraint removed are provided to the student who indicates that he or she is willing to cease the violent or dangerous behavior;
  - 2.02(1)(a)(vii) when the restraint is no longer necessary to protect the student or ensure the safety of others, the restraint must be removed; and
  - 2.02(1)(a)(viii) when it is anticipated that restraint will be used in an emergency situation written parent/guardian permission must be obtained.
- 2.02(2) Proper administration of specific restraints.
- 2.02(2)(a) "Chemical restraints" and/or "Mechanical restraints" may only be used according to policy and procedures approved by the agency's licensing or regulatory

authority, and in accordance with a student's IEP or behavior support plan.

2.02(2)(b) "Physical restraint"

2.02(2)(b)(i) A person administering the physical restraint must use only the amount of force necessary to stop the dangerous or violent actions of the student.

2.02(2)(b)(ii) A restrained student must be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised.

2.02(2)(b)(iii) A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.

2620-R- 2.03

STAFF TRAINING

2.03 All public educational programs shall ensure that staff utilizing restraint in schools or facilities are trained. Training shall include:

2.03(1) a continuum of prevention techniques;

2.03(2) environmental management;

2.03(3) a continuum of de-escalation techniques;

2.03(4) nationally recognized physical management and restraint, including, but not limited to, techniques that allow restraint in an upright or sitting position;

2.03(5) methods to explain the use of restraint to the student who is to be restrained and to the individual's family; and

2.03(6) appropriate documentation and notification procedures.

2620-R- 2.04 DOCUMENTATION REQUIREMENTS

- 2.04(1) If restraints are used, a written report must be submitted within one (1) school day to school administration.
- 2.04(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.
- 2.04(3) A written report shall be mailed, E-mailed, or faxed to the parent(s) within thirty-six (36) hours following the use of restraint and a copy placed in the student's confidential file.

2620-R- 2.05 REVIEW OF THE USE OF RESTRAINT

- 2.05(1) Each public education program 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 are followed and to minimize future use of restraint. The review shall include, but is not limited to:

- 2.05(1)(a) staff review of the incident;
- 2.05(1)(b) follow up communication with the student and his/her family;
- 2.05(1)(c) review of the documentation to ensure use of alternative strategies; and
- 2.05(1)(d) recommendations for adjustment of procedures.

In the case of students who have behavior support plans identified in their IEPs, the IEP team, including the parent, shall meet to determine if the supplementary aids and services identified in the IEP are being provided, if those identified supplementary aids and services are appropriate and if changes to the behavior plan are needed.

- 2.05(2) Each public education program shall ensure that a general review process is established and conducted at least annually. The purpose of the general review process is to ascertain that procedures are appropriate. The review shall include but is not limited to:

- 2.05(2)(a) analysis of incident reports, including but not limited to procedures used during the restraint, preventative or

alternative techniques tried, documentation and follow-up;

2.05(2)(b) training needs of staff;

2.05(2)(c) staff to student ratio; and

2.05(2)(d) environmental considerations, including physical space, student seating arrangements, and noise levels.