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Replacement Policy XXXXXXXXXXXX

NOTE: Colorado school districts are required by law to adopt a policy and procedures for the use of reasonable and appropriate physical intervention and the law contains some specific direction as to the content or language. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Procedure for the Use of Physical Intervention and Restraint

DUTIES RELATED TO RESTRAINT

A District, or District Employee, who uses restraint must adhere to the restrictions outlined in policy [JKA](#). In addition, any District Employee who uses restraint of any form, must be appropriately trained and follow the notification and documentation guidelines.

TRAINING

A District that uses restraint must ensure that all District Employees and agents using restraint in its facilities or programs are trained. Training must include:

1. The appropriate use of restraint;
2. Methods to explain the use of restraint to the student who is restrained and the student's family;
3. A continuum of prevention techniques;
4. Environmental management;
5. A continuum of de-escalation techniques;
6. 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;
7. Appropriate documentation and notification procedures, including monitoring and recording the time duration of a restraint or seclusion; and
8. Retraining must occur at a frequency of at least every two years.

DOCUMENTATION AND NOTIFICATION

All Restraints. If a District Employee uses a restraint on a student, the Employee is required to submit a written report of the incident to the District no later than one school day after the incident occurred.

Physical Restraint, more than one minute but less than five minutes. If a physical restraint is used for more than one minute, but less than five minutes, the District must provide written notice on the day of the restraint to the parent or legal guardian of the student.

1. The written notice must include (1) the date, (2) the name of the student, and (3) the number of restraints used that day that lasted between one and five minutes.

Physical Restraint, five minutes or more, and any Seclusion. If a physical restraint is used for five minutes or more, or if the student is placed in seclusion for any length of time, the District must provide verbal or written notice on the day of the physical restraint or seclusion to the parent of the student. The District will also mail or email a written report of the incident to the parent of the student not more than five calendar days after the use of the restraint or seclusion on the student. The written report of the use of restraint must be placed in the student's confidential file and include:

1. The antecedent of the student's behavior, if known;
2. A description of the incident;
3. Any efforts made to deescalate the situation;
4. Any alternatives to the use of restraint that were attempted;
5. The type and duration of the restraint used;
6. Any injuries that occurred;
7. The names of the District Employees, or agents, who were present, and District Employees, or agents, who were involved in administering the restraint;
8. The start and end time of the restraint;
9. Details concerning the notification provided to the parent or legal guardian; and
10. For seclusion, details concerning whether the door was opened or closed.

Review of Physical Restraint, five minutes or more, and any Seclusion. When District Staff complete the written report described above, they should also review to assure that appropriate procedures were followed and to minimize use of restraint in the future, when possible. Such staff review should include:

1. Ensuring there is follow up communication with the student and their parent or legal guardian;
2. Considering whether alternative strategies could have been used; and
3. Recommending adjustment of procedures, if appropriate.

If there is a reasonable probability that a physical restraint or seclusion may be used with a specific student, the District will provide written notice to the parent or legal guardian, and if appropriate, to the student, regarding (1) physical restraint or seclusion procedures that may be used, (2) the circumstances in which physical restraint or seclusion might be used, and (3) the District Employees or agents who may be

involved. A parent who receives such notification from the District may choose to request a meeting to discuss the written notice, in which case the District must meet with the parents.

ANNUAL REVIEW OF THE USE OF RESTRAINT

Each District will establish an annual review process and document the results of each review in writing. The purpose of the annual review is to ensure the proper administration of restraint, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incident of injury to students, District Employees, and agents. The review process must include, but is not limited to:

1. An analysis of incident reports, including consideration of procedures used during the restraint, preventative or alternative techniques attempted, documentation, and follow up;
2. Training needs of District Staff;
3. Staff to student ratios; and
4. Environmental considerations, including physical space, student seating arrangements, and noise levels.

For a charter school authorized by the District, the data and the written review must be integrated into the annual review of the authorizing District.

ANNUAL REPORTING

No later than June 30th of each year, the District will submit in a report to the Department of Education the information from the Annual Review listed above, and the following data on restraints used by District Employees or agents:

1. The total number of physical restraints lasting more than one minute but less than five minutes;
2. The total number of physical restraints lasting five minutes or more;
3. The total number of students who experienced at least one physical restraint lasting more than one minute but less than five minutes;
4. The total number of students who experiences at least one physical restraint lasting five minutes or more;
5. The total number of students who experienced at least one seclusion;
6. The total number of seclusions;
7. The total number of mechanical restraints;
 - a. Within the total number of mechanical restraints, how many were restraints using handcuffs; and
8. The total number of prone restraints.

The District should track restraints in their District Schools, Charter Schools authorized by the District, and any separate school operated by the District for students with

disabilities. Districts are not required to track restraints for students at a facility school. Districts may have additional reporting requirements under law or contract.