

RESTRAINT AND SECLUSION POLICY FOR COLORADO MILITARY ACADEMY

To maintain a safe learning environment, Colorado Military Academy (hereafter referred to as "CMA") 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. This policy applies to incidents that occur on school property or at an off-campus, school-sponsored event or activity.

A. Definitions

In accordance with state law and the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act (1 CCR 301-45), the following definitions apply for purposes of this policy.

1. "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.
2. "Restraint" means any method or device used to limit involuntarily freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals, and seclusion.
 - a. "Chemical restraint" means administering medication to a student (including medications prescribed by the student's physician) on an as needed basis for the sole purpose of involuntarily limiting the student's freedom of movement. "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 or ADHD, Glucagon); or
 - ii. The administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diastat).
 - b. "Mechanical restraint" means a physical device used to restrict involuntarily the movement of a student or the movement or normal function of the student's 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 an 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.
 - c. "Physical restraint" means the use of bodily, physical force to limit involuntarily an individual's freedom of movement. "Physical restraint" does not include:
 - i. Holding of a student for less than five minutes by a staff person for the protection of the student or others;
 - ii. Brief 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 area to another; or
 - iv. Minimal physical contact for assisting the student in completing a task or response.
 - d. "Prone restraint" means a restraint in which the student being restrained is secured in a prone (i.e., facedown) position.
3. "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. "Seclusion" does not mean:
- a. Placement of a student in residential services in the student's room for the night; or
 - b. "Time-out", which is the removal of a student from potentially rewarding people or situations. A time-out is not used primarily to confine the student, but to limit accessibility to reinforcement. In time-out, the student is not physically prevented from leaving the designated time-out area and is effectively monitored by staff.
4. "Emergency" means serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property.
5. "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).
6. "Parent" shall be as defined by 1 CCR 301-45.

B. Applicability

The requirements of this policy shall apply to all CMA personnel, before and after school providers, and any public or private entities with which the CMA contracts during all educational programs, activities, or events provided, supervised, or sponsored by CMA, including off-campus school-sponsored events.

C. Basis for Use of Restraint

Restraints shall only be used:

- 1. In an emergency and with extreme caution; and
- 2. After:

- a. The failure of less restrictive alternatives (such as Positive Behavior Supports, constructive and non-physical de-escalation, and re-structuring the environment);
or
 - b. A determination that such alternatives would be inappropriate or ineffective under the circumstances.
3. Restraints shall never be used as a punitive form of discipline or as a threat to gain control or gain compliance of a student's behavior.
4. School personnel or contracted personnel shall:
 - a. Use restraints only for the period of time necessary and using no more force than necessary; and
 - b. Prioritize the prevention of harm to the student.

D. Duties Related to the Use of Restraint – General Requirements

When restraints are used, CMA shall ensure that:

1. No restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
2. No restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;
3. Restraints are only administered by CMA personnel who have received training in accordance with 1 CCR 301-45;
4. Opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
5. When it is determined by trained school personnel that the restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the restraint shall be removed. In the case of seclusion, CMA staff must reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student; and
6. The student is reasonably monitored to ensure the student's physical safety.

E. Proper Administration of Specific Restraints

1. Chemical Restraints shall not be used.
2. Mechanical and Prone Restraints shall not be used, except where:
 - a. The student is openly displaying a deadly weapon;
 - b. When used by an armed security officer who has received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone holds and who has made a referral to a law enforcement agency.
3. Physical Restraint shall only be used in accordance with the following:

- a. A person administering the physical restraint shall only use the amount of force necessary to stop the dangerous or violent actions of the student;
 - b. A restrained student shall be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised; and
 - c. A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.
4. Seclusion shall only be used in accordance with the following;
 - a. Relief periods from seclusion shall be provided for reasonable access to toilet facilities;
 - b. Any space in which a student is secluded shall have adequate lighting, ventilation and size; and
 - c. To the extent possible under the specific circumstances, the space should be free of injurious items.

F. Notification Requirements

1. If there is a reasonable probability that restraint might be used with a particular student, the Headmaster or designee shall notify, in writing, the student's parents, and, if appropriate, the student of:
 - a. The restraint procedures (including types of restraints) that might be used;
 - b. Specific circumstances in which restraint might be used; and
 - c. CMA Staff involved.
2. For students with disabilities, if the parents request a meeting with CMA personnel to discuss the notification, CMA personnel shall ensure that the meeting is convened.
3. The required notification may occur at the meeting where the student's behavior plan or IEP is developed/reviewed.

G. Documentation Requirements

1. If restraints are used by any CMA personnel or contracted personnel, a written report shall be submitted within one school day to CMA Headmaster.
2. The Headmaster 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.
3. A written report based on the findings of the CMA staff review required by paragraph H. below shall be e-mailed or mailed to the student's parent within five calendar days of the use of restraint. The written report of the use of restraint shall include:
 - a. The antecedent to the student's behavior if known;
 - b. A description of the incident;
 - c. Efforts made to de-escalate the situation;
 - d. Alternatives that were attempted;
 - e. The type and duration of the restraint used;
 - f. Injuries that occurred, if any; and
 - g. The CMA staff present and CMA staff involved in administering the restraint.
4. A copy of the written report on the use of restraint shall be placed in the student's confidential file.

H. Review of Specific Incidents of Restraint

1. The CMA Headmaster 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 were followed and to minimize future use of restraint.
2. The review shall include, but is not limited to:
 - a. Staff review of the incident;
 - b. Follow up communication with the student and the student's family;
 - c. Review of the documentation to ensure use of alternative strategies; and
 - d. Recommendations for adjustment of procedures, if appropriate.
3. If requested by CMA or the student's parents, CMA shall convene a meeting to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

I. General Review Process

1. The CMA Headmaster shall ensure that a general review process is established, conducted and documented in writing at least annually. The purpose of the general review is to ascertain that CMA is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff.
2. The review shall include, but is not limited to:
 - a. Analysis of incident reports, including all reports prepared pursuant to paragraphs G.1 and G.3 above and including, but not limited to, procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
 - b. Training needs of staff;
 - c. Staff to student ratio; and
 - d. Environmental conditions, including physical space, student seating arrangements and noise levels.

J. Staff Training

1. CMA shall ensure that Special Education and administrative staff utilizing restraints are trained in accordance with 1 CCR 301-45.
2. Training shall include:
 - a. A continuum of prevention techniques;
 - b. Environmental management;
 - c. A continuum of de-escalation techniques;
 - d. 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;
 - e. Methods to explain the use of restraint to the student who is to be restrained and to the student's family; and
 - f. Appropriate documentation and notification procedures.

3. Retraining shall occur at a frequency of at least every two years.

K. Exceptions

The prohibition on the use of mechanical or prone restraints in this policy and accompanying regulation shall not apply to:

1. Certified peace officers or armed security offers working in a school and who meet the legal requirements of C.R.S. § 26-20-111(3); and
2. When the student is openly displaying a deadly weapon, as defined in C.R.S. § 18-1-901(3) (e).

L. Complaints

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 of CMA utilizing the School's Grievance Policy and/or the state complaint procedures established pursuant to 1 CCR 301-45.

Adopted: November 6, 2018

LEGAL REFS.:

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

C.R.S. § 18-1-901(3) (e) (definition of a deadly weapon)

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) (I) (D) (policy required as part of safe schools plan)

C.R.S. § 22-32-109.1 (2)(a)(I)(L) (policies for use of restraint and seclusion on students and information on process for filing a complaint regarding the use of restraint or seclusion shall be included in student conduct and discipline code)

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

C.R.S. § 22-32-147 (use of restraints on students)

C.R.S. § 26-20-101 et seq. (Protection of Persons from Restraint Act)

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