

*Telluride School District R-1*  
(April 2016)  
**Tool Kit for Student Restraint Procedures**

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### **RULES FOR THE ADMINISTRATION OF THE PROTECTION OF PERSONS FROM RESTRAINT ACT: *SALIENT POINTS FOR BUILDING ADMINISTRATORS AND STAFF***

#### **Definitions:**

**Emergency:** Emergency means serious, probable, and imminent threat of bodily injury to self/others with the present ability to cause such bodily injury. Emergency situations include those in which a student creates such a threat by abusing or destroying property.

**Restraint:** Any method or device used to limit freedom of movement, including, but not limited to, bodily physical force, mechanical devices, chemicals and seclusion. The only forms of restraint that may be used in the District are physical restraint and seclusion. **The District does not permit the use of mechanical or chemical restraint.**<sup>1</sup>

**Physical Restraint:** A physical restraint is the use of bodily, physical force to limit a student'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. Additionally, "physical restraint" does not include brief holding by one adult for the purpose of calming or comforting a student; minimal physical contact for purposes of safely escorting a student from one area to another; or minimal physical contact for the purpose of assisting the student in completing a task or response.

**Seclusion:** Seclusion is the placement of a student alone in a room from which egress is involuntarily prevented. Seclusion does not include "time-out" – which is the removal of a student from potentially rewarding people or situations. Unlike seclusion, a "time-out" is not used to confine the student, but to limit access to reinforcement. In a time-out, the individual is not physically prevented from leaving the designated time-out area.

#### **Basis for the Use of Restraint:**

Restraint shall only be used in an emergency, with extreme caution, and only after:

- a. the failure of less restrictive alternative interventions such as positive behavior supports, constructive and non-physical de-escalation, and restructuring of the environment; or
- b. a determination that such alternatives would be inappropriate or ineffective under the circumstances.

***Restraint must never be used as a form of discipline or a threat to control or gain compliance of a student's behavior. Trained staff shall use restraint only for the period of time necessary, use no more force than necessary, and prioritize the prevention of harm to the student.***

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<sup>1</sup> For a definition of mechanical or chemical restraint, see District Regulation JKA-R.

### **Duties Related to the Use of Restraint:**

Restraint may be administered only by trained staff (see below). When restraints, including seclusion, are used, staff must ensure that:

1. The student is not inhibited or impeded from breathing or communicating.
2. The restraint does not put excess pressure on the student's chest or back, or cause positional asphyxia.
3. During restraint, a student is continuously monitored to ensure his/her physical safety.
4. Opportunities to have the restraint released are provided if the student indicates a willingness to cease the violent or dangerous behavior.
5. The restraint is removed when it is determined by trained staff that it is no longer necessary to protect the student or others (i.e., the emergency no longer exists). When seclusion is no longer necessary, staff must reintegrate the student or clearly communicate to the student that he/she is free to leave the area used for seclusion.
6. In the case of physical restraint, only the amount of force necessary to stop the dangerous or violent behavior must be used. A physically restrained student must be continuously monitored to ensure that his/her breathing is not compromised. A student shall be released from a physical restraint within fifteen (15) minutes, except where precluded for safety reasons.
7. In the case of seclusion, relief periods shall be provided for access to toilet facilities. Any space in which the student is secluded must have adequate lighting, ventilation, and size, and shall be free of injurious items.

### **Staff Training:**

Only those staff members that have received the following training may utilize restraint in District schools and facilities:

1. A continuum of prevention techniques.
2. Environmental management.
3. A continuum of de-escalation techniques.
4. 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.
5. Methods to explain the use of restraint to students and their families.
6. Appropriate documentation and notification procedures.
7. Retraining at a frequency of at least every two years.

To meet these requirements, the District requires staff utilizing restraint to have current CDE-approved non-violent crisis intervention certification and to attend training regarding related documentation and notification procedures every year.

**Parental Notification Requirements:**

If there is a reasonable probability that restraint might be used with a student, appropriate school staff shall provide written notice to that student’s parents and to the student (if appropriate) of:

1. The restraint procedures (including types of restraints) that might be used;
2. The specific circumstances in which restraint might be used; and
3. The staff who may be involved.

The District satisfies this duty by completing the Parent Notification Regarding Restraint form.

For students with disabilities, if the parents request a meeting with school personnel to discuss the notification provided, school personnel shall ensure that the meeting is convened. This notification and discussion may occur at a meeting where the student’s behavior plan/IEP is developed/reviewed.

**Documentation and Review of Specific Incidents of Restraint:**

Any time physical restraint or seclusion is used with a student, a review process must be conducted to ascertain whether appropriate procedures were followed and to minimize the future use of restraint. The steps of the review process are as follows:

1. The school principal or designee shall verbally notify the parents as soon as possible, but no later than the end of the school day on which the restraint was used. The principal or designee shall document his/her effort to provide verbal notice.
2. Within one (1) school day of the use of restraint, a written report must be submitted to the principal or designee. (*See Restraint Incident Report.*)
3. Within two (2) school days of the use of restraint, appropriate school staff shall meet to review the incident and complete the Restraint Incident Debriefing Notes. This review shall include, but not be limited to:
  - a. review of the incident, including review of the written report submitted by the staff involved and any related documentation to ensure the use of alternative strategies; and
  - b. recommendations for adjustment of procedures, if appropriate.
4. Within five (5) calendar days of the use of restraint, a written report based on the findings of the staff review described above shall be e-mailed, faxed or mailed to the student’s parents. 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, including a specific description of the facts giving rise to the emergency that necessitated the restraint;
- 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. staff present and staff involved in administering the restraint.

The District satisfies this duty by providing parents with copies of the Restraint Incident Report and the Restraint Incident Debriefing Notes.

- 5. A copy of the Restraint Incident Report and the Restraint Incident Debriefing Notes shall be placed in the student's confidential record.
- 6. If requested by the District or the student's parents, the District shall convene a meeting with parents to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

A complete copy of Colorado Department of Education's ("CDE") Rules for the Protection of Persons from Restraint Act, 1 C.C.R. 301-45 §§ 2620-R-1.00 *et seq.*, may be obtained from CDE's website at: <http://www.cde.state.co.us/cdesped/Restrains.asp>.

Additional information regarding the District's practices related to the use of student restraint can be found in District Policy JKA and Regulations JKA-R and JKA-R available on-line at: <http://www.tellurideschool.org>

Finally, if you have any questions related to the District's student restraint policies or practices and/or have general questions regarding the use of restraint, please contact the School Superintendent in the District Office.

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### **RESTRAINT PROCEDURES CHECKLIST**

**If it is anticipated that restraint may be used in an emergency, school staff must ensure that:**

- The student has a Behavior Plan which incorporates a Functional Behavior Assessment, a plan for teaching replacement skills, de-escalation techniques, and a crisis management plan which addresses the circumstances in which physical restraint and/or seclusion might be used.
- Written notification of the type and circumstances in which restraint may be used, and the staff who may be involved, is provided to the parent(s) and student (if appropriate) (see **Parent Notification Regarding Restraint**).
- A copy of the **Parent Notification** form has been placed in the student's confidential record.
- If the parent of a student with a disability requests a meeting to discuss the notification, school personnel must ensure that a meeting is convened. (This can take place at the meeting where the student's Behavior Plan or IEP is developed or reviewed.)

**If a student has been physically restrained or secluded:**

- Staff administering restraint must immediately notify the school principal/designee that restraint was used.
- The school principal/designee must verbally notify the student's parents as soon as possible, but no later than the end of the school day on which the restraint was used.
- Within 1 school day, staff administering the restraint must complete the **Restraint Incident Report**.
- Within two (2) school days of the incident, the principal/designee will convene a meeting to review the Report and make recommendations for adjustment of procedures (if appropriate) in the **Restraint Incident Debriefing Notes**.
- Within 5 calendar days following the use of restraint, the school principal/designee must send the **Incident Report** and **Debriefing Notes** to the student's parents via mail, e-mail, or facsimile. (A sample cover letter is provided for your use.)
- A copy of the **Report** and **Debriefing Notes** must be placed in the student's confidential record.
- A copy of the **Report** and **Debriefing Notes** must be forwarded to the Superintendent's Office.
- If requested by the District or the student's parents, the District shall convene a meeting with the student's parents to review the incident. For student with IEPs or Section 504 Plans, such a review may occur through the IEP or Section 504 process.

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**PARENT NOTIFICATION REGARDING THE USE OF RESTRAINT**

Student Name: \_\_\_\_\_ School: \_\_\_\_\_

Due to prior dangerous or potentially-dangerous behaviors exhibited by your child, it is anticipated that physical restraint and/or seclusion might be used in an emergency situation.

Physical restraint is the use of bodily physical force to involuntarily limit an individual's freedom of movement, and it typically involves some type of "hold." A hold used to protect a child or others from harm that lasts less than five minutes is not a restraint. Seclusion is the placement of a student alone in a room from which egress is prevented. The specific restraint procedures and circumstances in which restraint may be used are outlined in your child's Behavior Plan.

If there is a need to use restraint:

1. It will only be used as a means to protect your child or others from a serious, probable, and imminent threat of bodily injury.
2. It will only be used after less restrictive alternatives have failed or if it is determined that such alternatives would be ineffective under the circumstances.
3. It will be administered only by staff who have received appropriate training. The staff who may be involved in administering restraint are identified (by title) in your child's Behavior Plan.
4. Staff will continuously monitor your child's physical safety during any use of restraint, and opportunities to have the restraint removed will be provided if the child indicates a willingness to cease the violent or dangerous behavior, and every effort will be made to assist the child to regain self-control.
5. In all cases, restraint will be removed when it is determined that it is no longer necessary to protect the student or others. When seclusion is no longer necessary, staff will reintegrate the student or clearly communicate to the student that he/she is free to leave the area used for seclusion.
6. A review process will be conducted for each incident of restraint. As part of this process, the school principal or designee will verbally notify you as soon as possible, but no later than the end of the school day if restraint has been used. Additionally, a written report will be mailed, e-mailed or faxed to you within five (5) calendar days following the use of any restraint.

I acknowledge that I am the parent/guardian of the student identified above; that I have received a copy of my student's Behavior Plan and this notification regarding the use of restraint; that additional information regarding the use of restraint can be found in District Policy JKA and Regulations JKA-R and JKA-E; and that I can contact the individual listed below and/or the building principal with any questions or concerns.

\_\_\_\_\_  
(Parent/Guardian Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of person explaining restraint procedures)

\_\_\_\_\_  
(Date)

One copy each to Parent, Superintendent's Office, and Student's confidential record

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[PARENT'S NAME]  
[ADDRESS]

Date:

Dear \_\_\_\_\_,

This letter serves as a follow-up to my phone call on \_\_\_\_\_ [date] to inform you that your child was restrained due to behavior that created an emergency situation. Attached you will find a copy of the written report related to the incident, with an explanation of your child's behavior and the interventions that have been put into place to better help your child be more successful in school.

Should you have any questions, please feel free to contact:

\_\_\_\_\_  
Contact Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Contact Phone Number

Sincerely,

\_\_\_\_\_, School Principal



**Efforts made to de-escalate and alternatives that were attempted prior to the use of restraint**

(Check all those that apply):

- I provided alternative choices the student could make prior to the aggression.
- I encouraged the student to “stop & think” before acting.
- I provided reminders about consequences.
- I tried to distract the student with verbal exchange (e.g., humor, conversation, etc.).
- I attempted to guide the student to use calming strategies (e.g., deep breath, counting, etc.)
- I removed the stimuli (e.g., another student) that triggered the anger.
- I redirected the student with another task.
- I provided time away from class.
- Other: (specify) \_\_\_\_\_

**Description of how student was monitored during restraint**, including names of staff responsible for monitoring student’s physical safety:

**Description of any injury to student and/or staff:**

**Description of how restraint ended and any efforts made to safely cease the use of restraint:**

**Parent notification** (*Parent must be verbally notified same day as incident.*)

Name of parent contacted:

\_\_\_\_\_

Phone #s:

\_\_\_\_\_

Date of contact: \_\_\_\_\_

Time of contact: \_\_\_\_\_ A.M. \_\_\_\_\_ P.M

How were parents notified?

Spoke with parent

Left voicemail

Name/position of staff member who verbally notified parents:

This Restraint Incident Report must be sent to parents *within 5 calendar days* of the incident.

Date report was sent: \_\_\_\_\_.

One copy each to Parent, Superintendent’s Office, and Student’s confidential record

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**RESTRAINT INCIDENT DEBRIEFING NOTES**

Within two (2) school days of use of restraint, a debriefing meeting attended by appropriate staff, including staff involved in the incident, must occur. The purpose of the meeting is to review the incident, ascertain whether appropriate procedures were followed, and minimize the future use of restraint. Those attending shall review the applicable Restraint Incident Report.

Date of Debriefing:		
Student Involved:	Date of Incident	Type of Restraint:
<b>Debriefing Notes</b> (address whether appropriate procedures were followed and alternative strategies were used):		
<b>Recommendations for adjustment of procedures, if appropriate:</b>		
<b>Names/Positions of those attending the debriefing meeting:</b>		

This report has been prepared by \_\_\_\_\_  
Name Position

**One copy each to Parent, Superintendent's Office, and Student's confidential record**