



RESTRAINT AND SECLUSION IN SCHOOLS

Are there rules that schools must follow when implementing restraint and seclusion?

YES! The Colorado Department of Education's Rules for the Administration of the Protection of Persons from Restraint Act govern the restraints that are implemented in public school settings. You can find these rules here: [Code of Colorado Regulations \(state.co.us\)](https://www.state.co.us/cdoe/regulations)

What types of restraints are allowed in public schools?

Only two types of restraints are allowed in public schools:

1. Physical Restraints – the use of bodily, physical force to involuntarily limit an individual's freedom of movement
2. Seclusion- the placement of a student alone in a room from which egress is involuntarily prevented¹

Types of restraints that are NOT allowed:

1. Mechanical – a physical device used to involuntarily restrict the movement of a student or the movement or normal function of his or her body
2. Chemical – administering medication to the student for the sole purpose of involuntarily limiting the student's freedom of movement
3. Prone restraints – a physical restraint that uses places the student in a face down position

When can a restraint be used in school?

1. In an emergency only - which is defined as a serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury. This includes when a student creates such a threat by abusing or destroying property
2. Only AFTER less restrictive alternatives are implemented and determined ineffective, or a determination that such alternatives would be inappropriate or ineffective under the circumstances.

What is the difference in a hold and a physical restraint?

1. Hold
 - a. Holding of a student in a position other than a prone position for less than five minutes by a staff person for the protection of the student or others
 - b. Brief holding of a student by one adult for the purpose of calming or comforting the student, not to include holding a student in prone position
 - c. Minimal physical contact for the purpose of safely escorting a student from one area to another

¹ Some Colorado school districts have a Board of Education Policy that bans the use of seclusion.

- d. Minimal physical contact for the purpose of assisting the student in completing a task or response
2. Physical Restraint
 - a. Involuntarily limits the student's movement
 - b. Must only be used in an emergency situation

Can a hold that is under five minutes ever be considered a restraint?

YES! If a hold appears to look more like a restraint because it involuntarily restricts the student's movement, then it may be a physical restraint and school staff must adhere to CDE's Rules on the Administration of the Protection of Persons from Restraint Act.

Can all school staff personnel use restraint, including seclusion, on students?

NO! Only staff that have attended a nationally recognized training program every two years are allowed to implement physical restraint and seclusion.

Do parents have a right to know about the restraint used?

YES! Under Colorado's rules, school staff must notify parents of the restraint, including seclusion, on the same day that the restraint occurred. School staff must also provide a written report within five calendar days to the parents that includes:

- a. Antecedent to the behavior causing the need for a restraint
- 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
- g. The staff present and staff involved in administering the restraint

Are there exceptions to the use of restraints in schools?

YES! There are two exceptions:

1. Law enforcement
2. School district transportation (e.g. a safety harness or seat belt is not considered a restraint)

Is there a way to complain about the school district's use of a restraint on a student?

YES! There are several ways to complain, including the following:

1. Meeting with the IEP team
2. Meeting with director of special education
3. Complaint with the Colorado Department of Education's IDEA State Complaint Office
4. Complaint with the Office of Civil Rights within the U.S. Department of Education
5. Complaint with the state's protection and advocacy organization, Disability Law Colorado
6. Complaint with the county's child protective services
7. Complaint with the local police department

8. Lawsuit
 - a. Due process complaint
 - b. Civil court

Resources:

CDE's Complaint Process: [State Complaints | CDE](#)

Office of Civil Rights Complaint:

<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Disability Law Colorado: disabilitylawco.org or 303-722-0300