

ADVOCACYDENVER

providing active voice and supporting civil rights
for people with disabilities

NAVIGATING RESTRAINTS AND SECULSION

Empowering Families to Advocate Effectively


the center for
SPECIAL
EDUCATION
LAW

WHAT IS A RESTRAINT?

Any method or device used to involuntarily limit one's freedom of movement. This can include, but is not limited to...

- Physical restraint
- Mechanical devices
- Chemicals
- Seclusion





EXCEPTIONS THAT ARE NOT CONSIDERED RESTRAINTS



- One minute rule for physical restraints.
- Holding by one adult for comforting/calming a student.
- Prescription medication.
- Mechanical devices in accordance with a student's Individualized Education Program (IEP).

WHEN ARE RESTRAINTS ALLOWED IN COLORADO PUBLIC SCHOOLS?

ALLOWED

In **emergency situations**.

Options include...


- Physical restraint
- Seclusion

Only to be used after the failure of less restrictive alternatives or it's determined that they would be ineffective.

NOT ALLOWED

- Chemical restraint
- Mechanical Restraint
- Prone (face down) position

Restraints should never be used as a punitive form of discipline or as a threat.



Prone position or mechanical restraints are allowed if conducted by an armed security officer with appropriate training who has notified law enforcement OR when a student is openly displaying a deadly weapon.

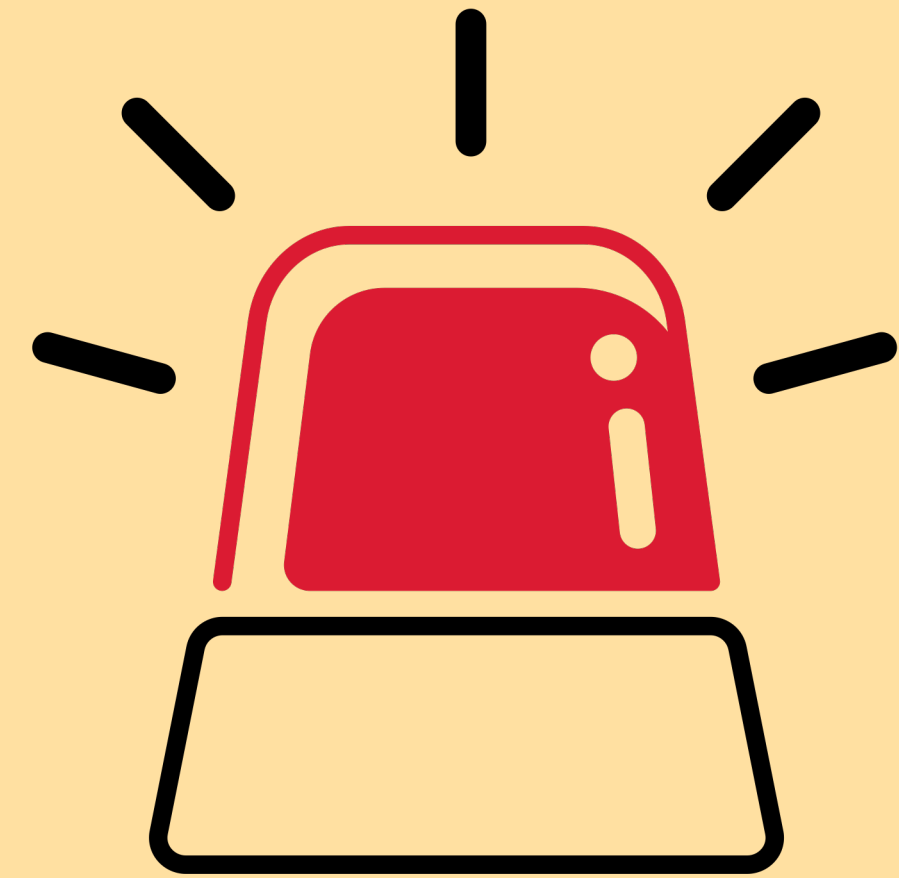
WHAT CONSTITUTES AN EMERGENCY?



Serious, probable, and imminent threat of
bodily harm to self or others

WITH

present ability to cause such injury.



- Includes situations in which a student creates such a threat by abusing/destroying property.
- “Bodily injury” includes physical pain, illness, or any impairment of physical/mental condition as defined by **Colorado Revised Statutes (CRS) Section 18-1-901(3)(c).**

WHAT IS A CHEMICAL RESTRAINT?

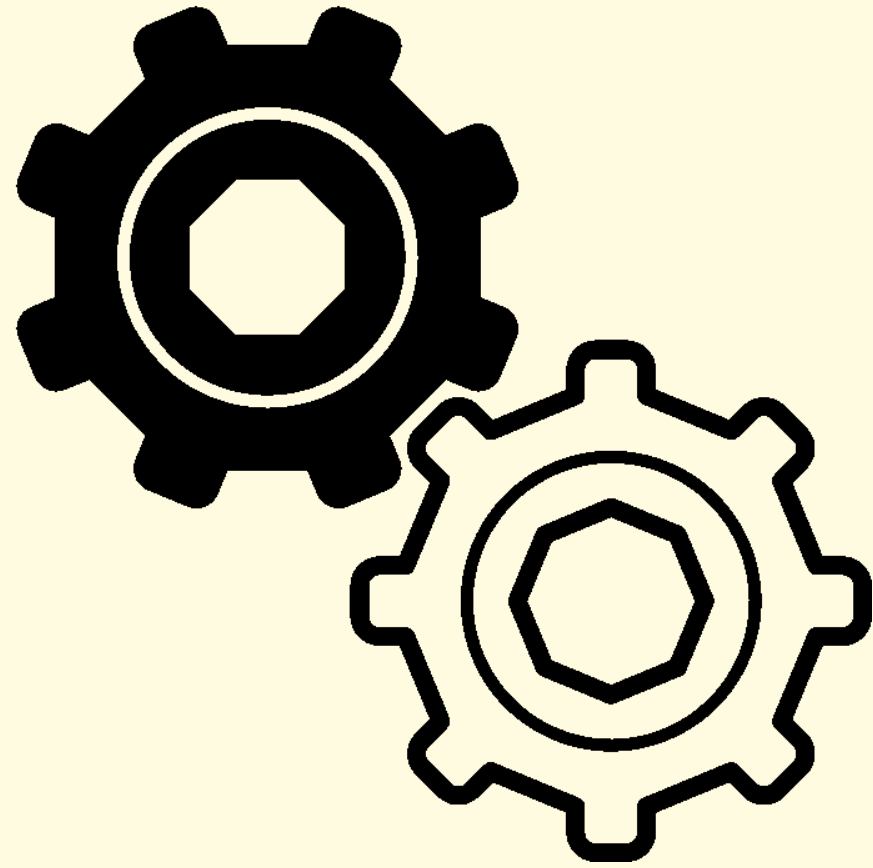
This involves administering medication (including those prescribed by the student's physician) to a student on an as needed basis for the **sole purpose** of involuntarily limiting the student's freedom of movement. THIS IS **NOT ALLOWED.**

Does not include...

- Prescription medication that is regularly administered to the student for medical reasons (eg. ADHD medication).
- The administration of medicine for life-saving purposes (eg. Epipen).



WHAT IS A MECHANICAL RESTRAINT?



● A physical device used to involuntarily restrict freedom of movement. **NOT**

ALLOWED.

● Does not include...

- Devices recommended by a physician, occupational therapist, or physical therapist **and** agreed to by the IEP team.
- Protective devices in accordance with a student's IEP.
- Adaptive devices recommended by a therapist and consistent with the IEP.
- Positioning/securing devices used to treat medical needs.

WHAT IS A PHYSICAL RESTRAINT?

The use of bodily force to involuntarily restrict one's freedom of movement.

Does not include...

- Holding of a student for less than one minute.
- Brief holding a student for calming/comforting.
- Minimal physical contact for safely escorting a student or helping with a task.
- Release when an emergency is over.





WHAT IS SECLUSION?

Entails placing a student alone in a room in which they are not permitted to leave.

- Must have adequate lighting, ventilation, and space.
- To the extent possible, must be free from hazardous items.
- **Must have ability to monitor student.**



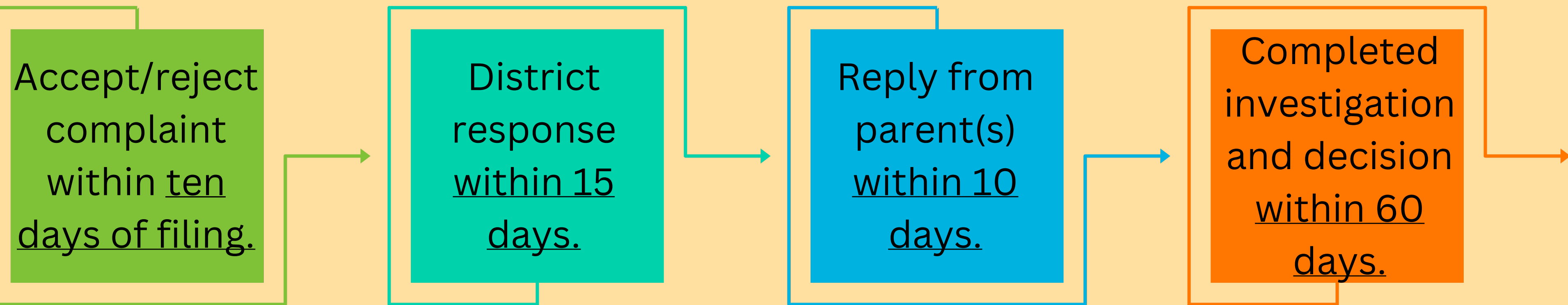
Seclusion is a form of restraint.

IF YOU ARE UNSATISFIED WITH HOW/WHY YOUR STUDENT WAS RESTRAINED → COMPLAINT PROCESS OPTIONS



- IEP/student meeting
- School district internal investigation
- Colorado Department of Education
- Disability Law Colorado
- U.S. Department of Education Office for Civil Rights
- Police
- Media
- Civil lawsuits

COLORADO DEPARTMENT OF EDUCATION'S PROCESS



- Same as the IDEA grievance process.
- Third party can file on behalf of parent.



Learn more at

ADVOCACYDENVER.ORG



ADVOCACYDENVER
providing active voice and supporting civil rights
for people with disabilities

THANK YOU!

the center for
SPECIAL
EDUCATION
LAW