Vista Charter School Restraint and Seclusion Policy

> **School Name:** Vista Charter School
> **Policy Title:** Policy on Physical Intervention, Restraint, and Seclusion
> **Status:** Revised per Legal Counsel / CSI Model Policy Alignment

To maintain a safe learning environment, trained school 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. Such actions shall not be considered child abuse or corporal punishment if performed by trained employees in good faith and in compliance with this policy.

A. Definitions

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

“Corporal Punishment” means the willful infliction of, or willfully causing the infliction of, physical pain on a child. It does not include:

- An amount of force that is reasonable and necessary to quell a disturbance that threatens physical injury to persons or damage to property, necessary for purposes of self-defense, or used to obtain possession of a weapon or other dangerous object within the control of a child; or
- Physical pain or discomfort caused by athletic competition or other similar physical activity in which a child is voluntarily engaged.

“Deadly Weapon” is defined in Section 18-1-901(3)(e) and means a firearm, whether loaded or unloaded; or 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.

"Emergency" means a serious, probable, imminent threat of bodily harm to self or others when there is the present ability to cause such bodily harm.

"Parent" shall have the same meaning as set forth in Rule 2.00(6) of 1 CCR 301-45.

"Restraint" means a method or device that is used to limit a student’s voluntary freedom of movement. Restraint includes seclusion, chemical restraint, mechanical restraint, and physical restraint.

"Chemical restraint" means the involuntary administration of medication to a student for the purpose of restraining the student. "Chemical restraint" does not include:

- Administering prescription medication that is regularly administered to the student for medical treatment other than to restrain the student's freedom of movement (e.g., asthma medication, mood disorder medication, insulin, or glucagon); or
- Administering medication for voluntary or life-saving medical procedures, including epinephrine or diazepam.

"Mechanical Restraint" means a physical device used to restrict a student's voluntary freedom of movement or the movement or normal function of a portion of the student's body. "Mechanical restraint" does not include:

- A device that is recommended for the student by a physician, occupational therapist, or physical therapist; is agreed to for use by the student's parent (if the student does not have an IEP or Section 504 Team), by the student's IEP team, or by the student's Section 504 team; and is used in accordance with the student's Individualized Education Program (IEP) or Section 504 plan;
- A protective device that is used to prevent a student from self-harm; is agreed to for use by the student's parent (if the student does not have an IEP or Section 504 Team), by the student's IEP Team, or by the student's Section 504 Team; and is used in accordance with the student's IEP or Section 504 plan (e.g., helmet or mitts);
- An adaptive device that is used to facilitate instruction or therapy for the student that is recommended for the student by a physician, occupational therapist, or physical therapist; is agreed to for use by the student's parent, by the student's IEP Team or Section 504 Team; and is used in accordance with the student's IEP or Section 504 plan; or
- A positioning or securing device that is used to facilitate the student's medical treatment that is recommended for the student by a physician, occupational therapist, or physical therapist; is agreed to for use by the student, by the student's IEP Team or Section 504 Team, and is used in accordance with the student's IEP or Section 504 Plan.

"Physical Restraint" means the use of bodily, physical force to limit a student's voluntary freedom of movement for more than one minute. "Physical restraint" does not include:

- A physical intervention administered on a student that lasts one minute or less for the protection of a student, others, or property;
- The holding of a student by an adult for the purpose of calming or comforting the student;
- Minimal physical contact for the purpose of safely escorting a student from one place to another; or
- Minimal physical contact for the purpose of assisting the student with a task or response.

"Prone Restraint" means a restraint in which the student who is being restrained is secured in a face-down position.

"Seclusion" is a form of restraint and means the placement of a student alone in a room or area from which egress is prevented. "Seclusion" does not mean:

- Placement of a student in residential services in the student's room for the night; or
- A "Time-out", which is the removal of a student from a potentially rewarding situation or from a situation that would otherwise produce negative reinforcement. A time-out does not prevent a student's egress.

B. Applicability

The requirements of this policy apply to all school employees or agents, before and after school providers, and any public or private entities with which Vista Charter School contracts during any and all educational programs, activities, or events provided, supervised, or sponsored by the School, including on School property and off-campus school-sponsored events.

C. Basis for Use of Physical Intervention

Corporal punishment must not be administered to any student by any school employee.

Within the scope of their employment, trained school employees may use reasonable and appropriate physical intervention with a student, that does not constitute physical restraint as defined by this policy, to accomplish the following:

- To quell a disturbance threatening physical injury to the student or others, or damage to property;
- For the purposes of self-defense; and
- To obtain possession of weapons or other dangerous objects within the control of the student.

Under no circumstance shall a student be physically held for more than one minute unless the provisions regarding physical restraint contained in this policy are followed. A physical intervention administered on a student that lasts one minute or less for the protection of a student, others, or property does not constitute physical restraint under this policy.

D. Prohibit Restraint – Exceptions

The use of a restraint on a student is prohibited when the student is on the property of the school or is participating in an off-campus activity or event sponsored by Vista Charter School. The prohibition does not apply to:

1. The use of mechanical, physical, or prone restraints on a student who openly displays a deadly weapon;
2. The use of mechanical or prone restraints by an armed security officer or a certified peace officer working in the school's facilities when the conditions of section D(4) of this policy are met and the officer:
    - Has received documented training in defensive tactics utilizing handcuffing procedures;
    - Has received documented training in restraint tactics utilizing prone restraint; and
    - Has made a referral to a law enforcement agency and is making an arrest or is referring law enforcement to make an arrest;
3. The use of mechanical, physical, or prone restraints by a school resource officer or a law enforcement officer acting in the officer's official capacity on the school's property, in a school vehicle, or at an activity or event sponsored by the school if there is a danger to the student or others or during a custodial arrest that requires transport; and
4. The use of a physical restraint or seclusion in an emergency after the failure of less restrictive alternatives; or after a determination that less restrictive alternatives would be inappropriate or ineffective during the emergency.

E. Seclusion Requirements

- If a school uses a room for seclusion as a type of restraint, there must be at least one window to monitor the student when the door is closed. If a window is not feasible, monitoring must be with a video camera.
- A room for seclusion must be in a safe space free of injurious items. The room must not be used by school staff for storage, custodial purposes, or office space.
- A student placed in a seclusion room must be continually monitored and provided relief periods from seclusion for reasonable access to toilet facilities.

F. Limitations and Duties Related to the Use of Restraints

The school or school's employee or agent who uses restraint must use the restraint:

- Only for the purpose of preventing the continuation or renewal of the appropriate circumstances described in this policy;
- Only for the period of time necessary to accomplish its purpose; and
- In the case of physical restraint, only if no more force than is necessary to limit the individual's freedom of movement is used.

Property Damage Limitation: If property damage may be involved, the school may only use restraint when:

- The destruction of property would result in a serious, probable, imminent threat of bodily harm to self or others; and
- There is the present ability to effect such bodily harm.

The school or school's employee or agent must not use restraint as a:

- Form of punishment or disciplinary sanction;
- Form of treatment as part of a treatment plan or as a way to modify behavior as part of a behavior modification plan; or
- Form of retaliation.

A school or school's employee or agent who uses a physical restraint must ensure that:

- A physical restraint does not place excess pressure on the student's chest or back or inhibit or impede the student's ability to breathe;
- During the physical restraint of a student, the student's breathing is not compromised; and
- The student is released from the restraint within fifteen minutes after the initiation of the restraint, except when it would be unsafe to do so.

G. Training

Vista Charter School shall ensure that all employees and agents who are involved in using restraint in facilities or programs are trained in accordance with 1 CCR 301-45. Training shall include:

- A continuum of prevention techniques;
- Environmental management;
- A continuum of de-escalation techniques;
- An understanding of the impact of adverse childhood experiences and trauma on students and their behavior and how to respond appropriately to avoid further harm or trauma through the use of restraint or seclusion;
- 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;
- Methods to explain the use of restraint or seclusion to the student who is to be restrained and to the student's family;
- Appropriate documentation and notification procedures, including monitoring and recording the time duration of a restraint or seclusion; and

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

H. Documentation and Notification Requirements

Vista Charter School will document any and all uses of restraint and seclusion within the school for reporting to CDE and CSI. All incidents will be documented within the SIS system and reported through the School Discipline Collection.

If there is a reasonable probability that physical restraint or seclusion may be used with a specific student, designated appropriate school employees or agents shall provide written notice to parent of the student, and, if appropriate, to the student regarding:

- The physical restraint or seclusion procedures that may be used;
- The circumstances in which physical restraint or seclusion might be used; and
- The school's agents or employees who may be involved.

If a parent who receives the written notice described above requests a meeting to discuss the notice, the School shall ensure that the meeting is convened.

All restraints: A school employee or agent who uses a restraint on a student must submit a written report within one (1) school day to the school administration or designee.

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 school must provide written notice on the day of the restraint to the parent of the student. The written notice must include the date, the name of the student, and 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 school administration shall complete a written report regarding the incident. The school will provide verbal or written notice on the day of the physical restraint or seclusion to the parent of the student and shall 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 on the student. The written report must be placed in the student's confidential file and include:

- The antecedent to the student's behavior if known;
- A description of the incident;
- Efforts made to deescalate the situation;
- Alternatives that were attempted;
- The type and duration of the restraint or seclusion;
- Injuries that occurred, if any;
- The names of the school employees or agents who were present and employees or agents who were involved in administering the restraint or seclusion;
- The start and end time of the restraint or seclusion;
- Details concerning the notification provided to parents; and
- For seclusion, whether door was open or closed.

When administration staff completes the written report, the administration or its designee should also conduct a review of the incident to assure that appropriate procedures were followed and to minimize the future use of restraint when possible. The review shall include, but is not limited to:

- Ensuring follow up communication with the student and the student's parent;
- Considering whether there were alternative strategies that could have been used; and
- Recommending adjustment of procedures, if appropriate.

If requested by the School or the student's parent, the School will 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. Annual Restraint Review Process

Vista Charter School shall establish an annual review process and shall document the results of each review in writing. The purpose of each annual review process is to ensure that the School is properly administering restraint, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students, employees and agents.

Each annual review process must include, but is not limited to:

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

No later than June 30 of each year, the school will submit in a report to the Colorado Charter School Institute (“CSI”), the information from the annual review conducted pursuant to Rule 8.00 of 1 CCR 301-45, and the following data on restraints used by school employees or agents:

- The total number of physical restraints lasting more than one minute but less than five minutes;
- The total number of physical restraints lasting five minutes or more;
- The total number of students who experienced at least one physical restraint lasting more than one minute but less than five minutes;
- The total number of students who experienced at least one physical restraint lasting five minutes or more;
- The total number of students who experienced at least one seclusion;
- The total number of seclusions;
- The total number of mechanical restraints;
- Within the total number of mechanical restraints, the number involving handcuffs; and
- The total number of prone restraints.

The school will track its own restraints. However, for purposes of this data collection, the school is not required to track restraints for students that are placed outside of the school (e.g., at a facility).

K. Complaints

A student, a parent, or a third party acting on behalf of a student or the student's parent may file a complaint about the use of restraint by Vista Charter School or its employees or agents utilizing the

School's Grievance Policy and/or the state complaint procedures established pursuant to Rule 10.00 of 1 CCR 301-45.

Adopted: 2026
Legal Refs.: C.R.S. § 18-1-901(3)(e); C.R.S. § 22-1-140; C.R.S. §§ 22-15.5-101 through 22-15.5-108; C.R.S. § 22-32-109.1; 1 CCR 301-45.
Revision History: Revised August 2026 to adopt full CSI model policy standards in alignment with HB 25-1248 and 1 CCR 301-45.