

Policy JKA - Restraint of Students

http://ed.denver.k12.co.us:8080/parent_handbook/FMPro?-db=policy.fp3&-format=phdetail.html&-lay=html&-sortfield=Title&studentparent=1&PolicyID=E_JKA&-find

Applicability

This Policy JKA applies to all Denver Public Schools Employees. Staff use of physical force or intervention is governed by this policy.

Implementation of Restraint

This policy shall be implemented using sound professional judgment, with due regard for the safety, welfare and dignity of members of the school community.

Definition:

Restraint is defined under state law and this policy as a method or device used to involuntarily limit an individual's freedom or movement including but not limited to bodily physical force, mechanical devices, physical restraint and time-out.

Any method or device used to involuntarily limit a student's freedom of movement, including physical force, mechanical restraint, physical restraint, and time-out, shall be in compliance with state law on protecting persons from restraint. Any use of physical intervention in excess of five minutes must be in strict compliance with all state law, including the protections of persons from restraint law, and this policy. The Superintendent and Board of Education shall develop procedures and a training program for the use of restraint consistent with this policy and state law.

Restraint does not include:

1. The use of protective or adaptive devices for providing physical support, prevention of injury or voluntary or life-saving medical procedures;
2. The holding of a student for less than five minutes for the protection of the student or other persons;
3. The use of time-out. Time-out is the placement of a student alone in a room or in a specific area of a room for the purpose of allowing the student to think about inappropriate behavior prior to rejoining class or other school-related activity.

Basis for Use of Restraint:

Persons employed by the district who are certified in a recognized method of physical restraint, may, within the scope of his/her employment, use reasonable physical restraint and/or time-out as a means to protect the student being restrained or others from a serious, probable, imminent threat of bodily harm.

Restraint may be used only in cases of emergency when other less restrictive alternatives have failed or the staff member determines that such alternatives would be inappropriate or ineffective under the circumstances.

An emergency is a serious, probable, imminent threat of bodily harm to self or others where there is the present ability to effect such harm.

The purpose of using restraint shall be to prevent the continuation or renewal of the emergency. Restraint shall only be used for the period of time necessary to accomplish its purpose. In no event shall physical force be used beyond that which is necessary to limit the student's freedom of movement.

Duties relating to the Use of Restraint:

When restraint is deemed necessary the following duties will be administered by person(s) certified in appropriate restraint interventions:

1. The person responsible for administering restraint shall monitor any student held in restraint at least every fifteen minutes to assure that the student is properly positioned, the student's blood circulation is not restricted, the student's airway is not obstructed and the student's other physical needs are met.

An individual in physical restraint shall be released from physical restraint within fifteen (15) minutes, except when precluded for safety reasons.

2. No physical restraint of a student shall place excess pressure on the student's back or inhibit or impede their ability to breathe. A staff member shall check to ensure that the breathing of the student is not compromised.

3. Medical intervention (chemical restraint) shall be used only upon the order of a physician.

4. Relief periods from time-out shall be provided for reasonable access to toilet facilities.

5. Staff Training: Only persons trained in the appropriate use of restraint may implement it. Staff shall receive annual in-service training on the appropriate use of restraint. The training shall include the requirement that staff explain where possible, the use of restraint to the individual who is to be restrained and to the individual's family if appropriate. Training shall also include appropriate documentation and notification procedures.

Documentation and review:

If physical restraint is used:

1. A written report must be submitted within one (1) school day to school administration.

2. The school principal 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 shall be mailed, E-mailed, or faxed to the parent(s) within thirty-six (36) hours following the use of restraint and a copy placed in the student's cumulative file.

4. Upon the parent or guardian's request, a review process will be conducted for the incident of restraint used.

* The Denver Public School security officers are exempted from this policy as they are governed more specifically under state law relating to security officers. Adopted April 21, 1966

Revised September 1, 1970

Revised to conform with practice: April 1994

Revised October 19, 2000

Revised September 15, 2005

LEGAL REFS.: C.R.S. 18-1-703

C.R.S. 18-6-401 (1)

C.R.S. 19-3-103 (1)

C.R.S. 22-32-110 (2), (4)(b)(I)

C.R.S. 26-20-102(5)

* C.R.S. 24-7-103

Links to Articles on a Variety of Policy Issues Relevant to Restraint

Column: Controversy over handcuffs catches super off guard

CEC SMARTBRIEF | 07/14/2006

The image of misbehaving students in plastic handcuffs outraged some black parents. Milwaukee's superintendent doesn't plan to abandon the plan to use handcuffs to contain emotionally or mentally disturbed students who threaten the safety of others, but he said he'll better explain when and why handcuffs would be used. Milwaukee Journal Sentinel (04/23) <http://www.jsonline.com/story/index.aspx?id=594826>

Texas school banned restraints after student's death

CEC SMARTBRIEF | 04/04/2007

Texas stopped using a six-point restraint board on its residents with mental retardation after a 15-year-old boy died when improperly restrained, officials said Tuesday. The ban began Jan. 15, the day of the boy's death, and ended use of Transboards at all 13 state school facilities. Houston Chronicle (04/04) <http://www.inclusiondaily.com/archives/07/04/04/040407txmexiarest.htm>

Florida parents ask for review of restraint policies

Parents are calling on officials of Florida's Palm Beach County to review its 13-year-old policy on restraining students with special needs. "We certainly advocate for restraint being the last intervention," says Deborah Ziegler of Council for Exceptional Children policy and advocacy services. "But in some cases where the student could be injurious to others or themselves, others may have to act appropriately." Boca Raton News (Fla.) (05/14)

<http://www.newsletterarchive.org/2007/05/14/156539-May+14,+2007+-+Fashion+show+features+children+with+disabilities>