

Students

Physical Restraint and Seclusion

No student will be physically restrained except as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided that restraint is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

No student will be placed in seclusion except as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

In the event of such restraint or seclusion, the student's parent or guardian will be notified of each incident by telephone, email or otherwise no later than 24 hours of the incident. Reasonable efforts shall be made to provide such notification immediately after such physical restraint or seclusion is initiated. Parents, guardians and LEAs will also be provided a copy of the written incident report for each incident of restraint or seclusion within two business days of the incident.

Injuries caused by the use of restraint and/or seclusion shall be reported to the State Board of Education. Such report shall specify whether the use of such seclusion was in accordance with an individualized education program or whether the use of such physical restraint or seclusion was an emergency.

A record shall be kept of each instance of the use of physical restraint or seclusion on a student and shall specify whether the use of seclusion was in accordance with an individualized education program or whether the use of physical restraint or seclusion was an emergency, including the nature of the emergency necessitating such use. Such information shall be included in an annual compilation of the district's use of restraint and seclusion on students. Such annual compilation shall be provided to the State Department of Education and to the State Board of Education.

Legal Reference: Connecticut General Statutes
 Section 46a-150 et seq. (as amended by P.A. 12-88)
 Section 10-76d et seq. P.A. 15-141 An Act Concerning Seclusion and Restraint in Schools

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CAPITOL REGION EDUCATION COUNCIL
 Hartford, Connecticut

Students

Use of Physical Restraint/Seclusion

Successful learning outcomes for students are dependent upon a safe and supportive learning environment which preserves the health and safety of each student while respecting each individual's dignity, rights, and well-being. When student behavior seriously endangers the safety of self or others, immediate response or comprehensive treatment plans require a range of interventions. Procedures used to respond to such situations include safe physical restraint, or seclusion until the student is able to control him/herself without jeopardy.

I. Definitions:

The following operational definitions are used as the basis for specific procedures designed to insure appropriate, effective use of these interventions.

Life-threatening Physical Restraint: Any physical restraint or hold that (a) restricts the flow of air into a student's lungs, whether by chest compression or any other means; or (b) immobilizes or reduces the free movement of a student's arms, legs or head while the student is in the prone position.

Physical Restraint: Any mechanical or personal restriction that immobilizes or reduces the free movement of a student's arms, legs or head, including, but not limited to, carrying or forcibly moving a student from one location to another. The term does not include: (1) briefly holding a student in order to calm or comfort the student; (2) restraint involving the minimum contact necessary to safely escort a student from one area to another; (3) medical devices, including, but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (4) helmets or other protective gear used to protect a student from injuries due to a fall; (5) helmets, mitts and similar devices used to prevent self-injury when the device is (i) part of a documented treatment plan or IEP, or (ii) prescribed or recommended by a medical professional, and is the least restrictive means available to prevent self-injury; or (6) an exclusionary time out.

Psychopharmacologic agent: Any medication that affects the central nervous system, influencing thinking, emotion or behavior.

School employee: (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by CREC or working in an elementary, middle or high school; or (2) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in an elementary, middle or high school, pursuant to a contract with CREC.

Seclusion: The involuntary confinement of a student in a room from which the student is physically prevented from leaving.

Seclusion does not mean any confinement of a student where the student is physically able to leave the area of confinement, including in-school suspension and exclusionary time-out.

Student: A child enrolled in the district in grades pre-kindergarten to twelve, inclusive.

Exclusionary time out: A temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming the student or deescalating the student's behavior.

II. Procedures for Physical Restraint and Seclusion

No school employee shall use physical restraint on a student except as an emergency intervention to prevent immediate or imminent injury to the student or to others, provided the restraint is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

No school employee shall use a life-threatening physical restraint on a student under any circumstances.

No school employee shall place a student in seclusion except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others provided the seclusion is not used for discipline or convenience and is not used as a substitute for a less restrictive alternative.

No student shall be placed in seclusion unless such student is monitored by a school employee during the period of such student's seclusion.

Seclusion shall not be used as a planned intervention in a student's behavioral intervention plan, individualized education program, or Section 504 plan.

Any room used for seclusion must:

- (1) Be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
- (2) Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located;
- (3) Be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems of the other rooms in the building in which it is located;
- (4) Be equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion;
- (5) Be free of any object that poses a danger to the student who is being placed in the room;
- (6)** Conform to applicable building code requirements. If the door(s) of a room used for seclusion are to be locked, latched, or otherwise secured, a modification from the State Fire Marshall's

office shall be secured prior to the installation of a locking mechanism. If a door locking mechanism is used, the student shall be constantly monitored. The locking mechanism to be used shall be a device that shall be readily released by staff as soon as possible, but in no case longer than within two minutes of the onset of an emergency; and must be connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded.

An emergency includes, but is not limited to:

- a. The need to provide direct and immediate medical attention to the student;
- b. Fire;
- c. The need to remove the student to a safe location during a building lockdown;
- d. Other critical situations that may require immediate removal of the student from seclusion to a safe location

- (7) Except in cases when a classroom or other room in the school building is cleared and used as a seclusion room, have an unbreakable observation window located on a wall or door to permit frequent visual monitoring of the student and any staff in the room.

If any instance when a physical restraint or seclusion of a student exceeds fifteen minutes, (1) an administrator, or such administrator's designee, (2) a school health or mental health personnel, or (3) a board certified behavioral analyst, who has received training in the use of physical restraint and seclusion, shall determine whether continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Upon a determination that such continued physical restraint or seclusion is necessary, such individual shall make a new determination every thirty minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

Any student who is physically restrained shall be continually monitored by a school employee. Any student who is involuntarily placed in seclusion shall be frequently monitored by a school employee. Each student so restrained or in seclusion shall be regularly evaluated by a school employee for indications of physical distress. For purposes of this paragraph, "monitor" means (1) direct observation, or (2) observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:

An administrator, one or more of such student's teachers, a parent or guardian of such student and, if any, a mental health professional, shall convene for the purpose of (A) conducting or revising a behavioral assessment of the student, (B) creating or revising any applicable behavioral intervention plan, and (C) determining whether such student may require special education.

If such student requires special education, or is being evaluated for eligibility for special education and awaiting a determination, such student's planning and placement team shall convene for the purpose of (A) conducting or revising a behavioral assessment of the student, and (B) creating or

revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.

No school employee may use a **psychopharmacologic agent** on a student without that student's consent except (1) as an emergency intervention to prevent immediate or imminent injury to the student or to others, or (2) as an integral part of the student's established medical or behavioral support or educational plan, or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacologic agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.

III. Procedures for Exclusionary Time Out

Exclusionary time outs are not to be used as a form of discipline.

Throughout any exclusionary time out at least one school employee must either a) remain with the student, or b) be immediately available to the student such that the student and school employee are able to communicate verbally.

The space used for an exclusionary time out must be clean, safe, sanitary and appropriate for the purpose of calming the student or deescalating the student's behavior.

The exclusionary time out must terminate as soon as possible.

If the student requires special education, or is being evaluated for eligibility for special education and awaiting a determination, and the interventions or strategies are unsuccessful in addressing the student's problematic behavior, such student's planning and placement team shall convene as soon as practicable to determine alternative interventions or strategies.

Credentials of Staff Authorized to Implement Physical Restraint or Seclusion:

No school employee shall use a physical restraint on a student or place a student in seclusion unless such school employee has received training on the proper means for performing such physical restraint or seclusion.

Training regarding physical restraint and seclusion of students shall be provided to the members of the crisis intervention team for each school in the district. Training may be provided to any teacher, administrator, school professional or other school employee who is designated by the school principal and who has direct contact with students. Such training shall include, but not be limited to:

- (A) An overview, as provided by the Department of Education, of the relevant laws and regulations regarding the use of physical restraint and seclusion on students and the proper uses of physical restraint and seclusion;

- (B) A plan for providing training regarding the prevention of incidents requiring physical restraint or seclusion of students. Such plan shall be implemented not later than July 1, 2018, and
- (C) A plan for providing training regarding the proper means of physical restraint or seclusion of students, including, but not limited to, (i) various types of physical restraint and seclusion; (ii) the differences between life threatening physical restraint and other varying levels of physical restraint; (iii) the differences between permissible physical restraint and pain compliance techniques; and (iv) monitoring methods to prevent harm to a student who is physically restrained or in seclusion. Such plan shall be implemented not later than July 1, 2018.

Crisis Intervention Teams

Each school year, each school in the district shall identify a crisis intervention team consisting of any teacher, administrator, school paraprofessional or other school employee who is designated by the school principal and who has direct contact with students. Such team shall respond to any incident in which the use of physical restraint or seclusion may be necessary as an emergency intervention to prevent immediate or imminent injury to a student or to others. Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis. CREC shall maintain a list of the crisis intervention team for each school.

Parental and LEA Notification:

Parents and guardians must be notified on the day of, or no later than 24 hours after, physical restraint or seclusion is used with a student. Reasonable efforts shall be made to provide such notification immediately after such physical restraint or seclusion is initiated. This notification may be made by e-mail, phone or other method, including sending a note home with the student. Parents, guardians and LEAs will also be provided a copy of the incident report form no later than two business days after the use of physical restraint or seclusion.

Record Keeping and Reports:

A record shall be kept of each instance of the use of physical restraint or seclusion on a student and shall a) specify whether the use of seclusion was in accordance with an individualized education program, and b) specify the nature of the emergency necessitating the use of such physical restraint or seclusion. Such information shall be included in an annual compilation of the district's use of restraint and seclusion on students and shall be provided to the Department of Education.

Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include (1) the nature of the emergency and what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from arising if there were indications that such an emergency was likely to arise, (2) a detailed description of the nature of the restraint or seclusion, the duration of such restraint or seclusion and the effect of such restraint or

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seclusion on the student's established educational plan, and 3) the student's evaluation for indications of physical distress.

If the use or restraint or seclusion results in physical injury to the student, the incident shall be reported to the State Board of Education. If a serious injury or death is reported to the State Board of Education, the State Board is required to report the incident to the director of the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, to the Child Advocate of the Office of the Child Advocate.

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