

STUDENTS

Physical Restraint(s)/Seclusion Of Students and Use of Exclusionary Time Out

The Board of Education believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members within the district. To the extent that staff actions comply with all applicable statutes and Board policy governing the use of physical force, including physical restraint of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment. The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint to protect a student from harming himself/herself or to protect others from harm.

The Board of Education mandates compliance with this Policy. Violations of this Policy and/or associated Administrative Regulations by a Board of Education staff member or other individual working at the direction of, or under the supervision of, the Board of Education, may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within this Policy shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes § 10-220.

Under no circumstances shall employees or individuals under the supervision of the Board use corporal punishment with students or physically manage students for purposes of discipline.

Definitions

Exclusionary Time Out is a temporary, continuously monitored separation of a student from an ongoing activity in a non-locked setting, for the purpose of calming such student or deescalating such student's behavior.

Physical restraint means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head. Excluded from this definition is (A) briefly holding a person in order to calm or comfort the person; (B) restraint involving the minimum contact necessary to safely escort a person from one area to another; (C) medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a person from injuries due to a fall; (E) or helmets, mitts and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education program pursuant to Connecticut's special education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury; or (F) an exclusionary time out.

Life-threatening physical restraint means any physical restraint or hold of a person that restricts the flow of air into a person's lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person's arms, legs or head while the person is in the prone position.

Seclusion is defined as the confinement of an individual in a room, with or without staff supervision, in a manner that prevents the person from leaving. Seclusion does not include the following: (i) an exclusionary time out; or (ii) any confinement of a student in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension.

School employee means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, paraprofessional, school staff, or coach employed by the Board of Education or working in a public elementary, middle or high school; or any other individual who, in the performance of his/her duties has regular contact with students and who provides services to or on behalf of students enrolled in the district's schools, pursuant to a contract with the board of education.

Student means a child (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional Board of Education, (B) receiving special education and related services in an institution or facility operating under contract with a local Board of Education, (C) enrolled in a program or school administered by a regional education service center, or (D) receiving special education and related services from an approved private special education program.

Life Threatening Physical Restraint

1. No school employee shall under any circumstance use a life-threatening physical restraint on a student.
2. Nothing in this section shall be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available under sections 53a-18 to 53a-22, inclusive, of the Connecticut General Statutes.

Procedures Regarding Use of Physical Restraint(s)/Seclusion

1. School employees shall not use restraint or seclusion on a student EXCEPT as an emergency intervention to prevent immediate or imminent injury to the student or to others.
2. Such use of physical restraint and seclusion shall not be used as punishment, discipline or for the convenience of staff.
3. Restraint, including restraint devices, shall be applied only by staff who have completed necessary and appropriate training.

4. A student's respiration and/or circulation shall not be restricted.
5. School employees should explore ALL less restrictive alternatives prior to using physical restraint or seclusion for a student.
- 6.. A staff member acting alone shall not be expected to use force or restraint when the risk of harm to the student or staff member would likely result from the use of force which outweighs the risk of harm presented by the student's conduct.

Monitoring

A school employee must regularly evaluate the student being physically restrained or secluded for signs of physical distress. The school employee must record each evaluation in the educational record of the person being physically restrained or secluded.

1. Physical restraint: A school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by either (i) direct observation of the student; or (ii) observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.
2. Seclusion: A school employee must frequently monitor any student who is placed in seclusion. The monitoring must be conducted by either (i) direct observation of the student; or (ii) observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

Length

1. Any period of physical restraint or seclusion shall be limited to that time necessary to allow the student to compose him or herself and return to the educational environment; and
2. Shall not exceed fifteen (15) minutes, except as provided below.

If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee, or a school health or mental health personnel, or 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.

District personnel shall follow the following guideline when assessing if a special education student requires the use of a physical restraint device to control physical activity or aggression during his/her transportation to and/or from school.

1. The parent/guardian must be notified of the intended use prior to use of the physical restraint device. Parent/guardian input will be a major factor in determining whether to use the device. If there is a difference of opinion between district personnel and the parent/guardian with regard to the use of a physical restraint device, the Superintendent will determine whether the device is to be used.
2. Once authorization to use a restraint device is obtained, the Director of Special Education is to ensure that a written plan for the use of the device is prepared. The written plan is to be in place prior to the use of the device and is to include: a) the purpose/goal for utilization of the device;
b) the specific type and model number of the restraint device to be used; c) the specific times it is to be used;
d) a method of assessing the effectiveness of its use.
3. District employees and substitutes must be trained in the proper use of the restraint prior to its use.
4. Under no conditions may a student secured by a restraint device be left unattended.

In the case of an emergency involving the threat of immediate and significant harm to the special education student or to other persons in the proximity of the student, a district employee may use a restraint device prior to receiving the above required approval, provided that such use is only for the minimum time required until the threat of immediate and significant harm is removed. The student's parent/guardian, principal and the Superintendent must immediately be notified of the reason for the use of the device and the length of time the student was in restraint.

An act of a staff member shall not be considered child abuse if the act was performed in good faith and in compliance with Board policies and procedures. Such acts shall not be construed to constitute corporal punishment.

Seclusion Room Requirements

Seclusion can happen in any location, although the district may designate an area or room for this purpose. Regardless of location, any room used for seclusion must:

- A. Be of a size that is appropriate to the chronological and developmental age, size and behavior of the student;
- B. Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which the seclusion room is located;

- C. Be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are used in the other rooms of the building in which the seclusion room is located;
- D. Be free of any object that poses a danger to the student who is being placed in the seclusion room;
- E. Conform to applicable building code requirements.

If the door or doors to a room used for seclusion are to be locked, latched or otherwise secured, a modification from the State Fire Marshal'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 notwithstanding any other provisions of the Connecticut General Statutes or Regulations to the contrary. 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 is connected to the fire alarm system so that the locking mechanism is released automatically when a fire alarm is sounded. An "emergency," for purposes of this subsection, includes but is not limited to the following:

- i. the need to provide direct and immediate medical attention to the student; ii. fire;
- ii. the need to remove the student to a safe location during a building lockdown; or
- iv. other critical situations that may require immediate removal of the student from seclusion to a safe location.

F. Have an unbreakable observation window or fixture located in a wall or door, which allows the student a clear line of sight beyond the area of seclusion, to permit frequent visual monitoring of the student and any school employee in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a student.

Procedures for Exclusionary Time Out

1. No school employee may use exclusionary time out as a form of discipline for a student.
2. At least one school employee must remain with the student, or be immediately available to the student such that the student and the employee are able to communicate verbally, throughout the exclusionary time out.
3. 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.

4. The exclusionary time period must end as soon as possible.
5. The exclusionary time out period may vary depending on the student's chronological and developmental age, individual needs and behavior.

Reporting/Notification Requirements

1. Injuries caused by the use of restraints and/or seclusion in schools shall be reported to the State Department of Education.
2. The parents/guardians of a special education student must be notified by a school employee of each incident in which their child was placed in physical restraints or seclusion not later than twenty-four hours after the incident. A reasonable effort shall be made to provide such notification immediately after such

physical restraint or seclusion is initiated.

Notification must be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.

The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed incident report of such action no later than two (2) business days after the use of physical restraint or seclusion, regardless of whether the parent received the notification described above.

3. The Board shall keep records and compile annual reports of each instance and the underlying emergency that necessitated the use of physical restraints or seclusion. Appropriate school professionals shall record each instance of the use of physical restraint or seclusion on a student no later than the school day following the incident on a prescribed incident form. The incident form must be included in the educational file of the student who was physically restrained or secluded. The documentation shall include:

A. 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; and

B. 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 seclusion on the student's established educational plan.

4. Parents, guardians and other persons standing in place of parents shall be notified by the Board of the laws and regulations governing the use of physical restraints and seclusion, pursuant to chapter 814e, related to student and parental rights at the first PPT involving the student's Individualized Education Program (IEP).
5. This policy and its procedures shall be made available on the District's website and

in the Board's procedural manual. The policy shall be updated not later than

sixty (60) days after the adoption or revision of regulations promulgated by the State Board of Education.

6. The Director of Special Education or other responsible administrator, or his or her designee, must be notified of the following:

- a. each use of physical restraint or seclusion on a student;
- b. the nature of the emergency that necessitated its use;
- c. whether the seclusion of a student was conducted pursuant to an IEP; and
- d. if the physical restraint or seclusion resulted in physical injury to the student.

7. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including any approved private special education program shall provide such annual compilation to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.

Crisis Intervention Teams

1. The Board requires each school in the District to annually identify a crisis intervention team. Such team shall consist of any teacher, administrator, school professional or other school employee designated by the school principal.

2. Such teams 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.

3. Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis. The Board shall maintain a list of the members of the crisis intervention team at each school.

Required Meetings

1. Students not eligible for special education (and not being evaluated for eligibility for special education)

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, the parent/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.
2. If such student is a child requiring special education or is a child being evaluated for eligibility for special education and awaiting a determination.

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

Such student's planning and placement team shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2)

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

In the event that the exclusionary time out process is unsuccessful in addressing a student's problematic behavior, the student's PPT shall convene as soon as practicable to determine alternative interventions or strategies to address the student's behavior.

Required Training and Prevention Training Plan

Training shall be provided by the Board to school professionals, paraprofessional staff members and administrators who are members of the crisis intervention team for each school in the district. Such training shall be provided each school year and shall include, but not be limited to:

- 1. An overview 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.
- 2. The proper means of physically restraining or secluding students
- 3. Verbal defusing and de-escalation strategies;
- 4. Prevention strategies;
- 5. Various types of physical restraint and seclusion;
- 6. The differences between life-threatening physical restraint and other varying levels of physical restraint;
- 7. The differences between permissible physical restraint and pain compliance techniques; and

8. Monitoring methods to prevent harm to a student who is physically restrained or in seclusion, including training in the proper means of physically restraining or secluding a student.

Legal Reference: Connecticut General Statutes / Regulations

Public Act 18-51, An Act Implementing the Recommendations of the Department of Education

10-76b State supervision of special education programs and services.

10-76d Duties and powers of boards of education to provide special education programs and services.

10-236b Physical restraint and seclusion of students by school employees.

46a-150 Definitions.

46a-152 Physical restraint, seclusion and use of psychopharmacologic agents restricted. Monitoring and documentation required.

46a-153 Recording of use of restraint and seclusion required. Review of records by state agencies. Reviewing state agency to report serious injury or death to Office of Protection and Advocacy for Persons with Disabilities and to Office of Child Advocate.

53a-18 Use of reasonable physical force or deadly physical force generally.

53a-19 Use of physical force in defense of person.

53a-20 Use of physical force in defense of premises.

53a-21 Use of physical force in defense of property.

Regulation - Sections 10-76b-5 to 10-76b-11