Parental Notification of the Laws Relating to the use of Seclusion and Restraint in Public Schools

Introduction

You have been provided with a copy of the "Procedural Safeguards in Special Education." The Procedural Safeguards document outlines your rights and the rights of your child under both the Individuals with Disabilities Education Act (the IDEA) and the Connecticut statutes and regulations concerning the provision of special education and related services to students with disabilities.

The Board of Education is also required by State law to inform you about specific provisions of the State statutes and regulations regarding the emergency use of physical restraint and seclusion. **Every parent must be advised of these rights at the initial Planning and Placement Team meeting (PPT) held for their child, regardless of whether the emergency use of physical restraint or seclusion is likely to occur.**

Which students are covered by the laws?

Conn. Gen. Stat. Section 10-236b uses the term "students" to describe individuals generally covered by the applicable restraint and seclusion statutes and regulations. A "student" is a student (A) enrolled in grades kindergarten to twelve, inclusive, in a public school under the jurisdiction of a local or regional board of education, including special education students ages 3 through 21; (B) receiving special education and related services in an institution or facility operating under contract with a local or regional 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. A "student" does not include any student receiving educational services from (i) Unified School District #2, established pursuant to Conn. Gen. Stat. Section 17a-37, or (ii) the Department of Mental Health and Addiction Services.

What does "physical restraint" mean?

Physical restraint means 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 person from one location to another. It does not include: (A) briefly holding a student in order to calm or comfort the student; (B) restraint involving the minimum contact necessary to safely escort a student from one area to another; (C) medication devices, including supports prescribed by a health care provider to achieve proper body position or balance; (D) helmets or other protective gear used to protect a student from injuries due to a fall; or (E) helmets, mitts, and similar devices used to prevent self-injury when the device is part of a documented treatment plan or individualized education plan (IEP) and is the least restrictive means available to prevent self-injury; (F) or exclusionary time-out.

What does "seclusion" mean?

Seclusion means the confinement of a student in a room, from which the student is physically prevented from leaving. "Seclusion" does not include an exclusionary time-out. In public schools, seclusion does not mean any confinement of a student where the student is physically able to leave the area of confinement, such as an in-school suspension or time-out.

What does "exclusionary time-out" mean?

Exclusionary time-out means 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.

What do I need to know about the emergency use of restraint and seclusion?

- Life-threatening physical restraint is prohibited. Life-threatening physical restraint means any physical restraint or hold of a student 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 person's arms, legs, or head while the person is in the prone position.
- Physical restraint may not be used to discipline a student. Physical restraint may not be used because it is convenient, and it may not be used as a substitute for a less restrictive alternative.
- Physical restraint is to be used solely as an emergency intervention to prevent immediate or imminent injury to the student or to others. When a student is physically restrained, the student is to be continually monitored by a person who has the training in physical management, physical restraint, and seclusion procedures, including training to recognize health and safety issues for students placed in seclusion. Monitoring means direct observation of the student, or observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed. A student who is physically restrained must be regularly evaluated for any signs of physical distress by a person who has the training in physical management, physical restraint, and seclusion procedures, including training to recognize health and safety issues for students placed in seclusion. The evaluation must be documented and maintained in the student's educational record.
- Seclusion is to be used solely as an emergency intervention to prevent immediate or imminent injury to the student or to others. Seclusion may not be used to discipline a student. Seclusion may not be used because it is convenient, and it may not be used as a substitute for a less restrictive alternative.
- When a student is placed in seclusion, the student is to be frequently monitored by a person who has the training in physical management, physical restraint, and seclusion procedures, including training to recognize health and safety issues for students placed in seclusion. Monitoring means direct observation of the student or observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed. A student who is secluded must be regularly evaluated for any signs of physical distress by a person who has the training in physical management, physical restraint, and seclusion procedures, including training to recognize health and safety issues for students placed in seclusion. The evaluation must be documented and maintained in the student's educational record. Seclusion may not be used as a planned intervention in a student's behavioral intervention plan, IEP, or plan pursuant to Section 504 of the Rehabilitation Act of 1973.
- A student may not be restrained or placed in seclusion for more than fifteen (15) minutes unless necessary to prevent immediate or imminent injury to the student or to others. A restraint or seclusion may be continued over fifteen (15) minutes only if an administrator, or such administrator's designee; 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, determines that continued physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. A new determination must be made every thirty (30) minutes regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
- A psychopharmacologic agent (a medication that affect the central nervous system, influencing thinking, emotion, or behavior) may not be used with your child except as prescribed by a physician. Any such pharmacological agent must be administered according to the orders of your child's physician, and in compliance with board policies concerning the administration of medications in school.
- A student may be physically restrained or removed to seclusion only by a person who has received training in physical management, physical restraint, and seclusion procedures, including training to recognize health and safety issues for students placed in seclusion. Additional training, such as verbal defusing or de-escalation; prevention strategies; types of physical restraint; the differences between permissible physical restraint and other varying levels of physical restraint; the differences between permissible physical restraint and pain compliance techniques; monitoring to prevent harm to a student physically restrained or in seclusion; and recording and reporting procedures on the uses of restraint and seclusion, must also be provided.
- Boards of education are required to maintain safe school settings. School staff are allowed to use reasonable physical force when there is a reasonable belief it is necessary to protect students or staff, obtain possession of a dangerous instrument or controlled substance upon or within control of a minor, protect property from physical damage, or restrain or remove a student to another

area to maintain order. The prohibitions listed above do not conflict with the responsibility of boards of education to maintain a safe school setting or use reasonable physical force as described here.

- Any room used for seclusion must be physically comparable to other rooms in the building used for instructional purposes and must be of a size that is appropriate to the chronological and developmental age, size, and behavior of the student. The room used must be free of any object that might pose a danger to the student who is placed in the room. If the door has a lock, the lock must be able to be disengaged automatically in the case of an emergency. The room must have an unbreakable observation window located in the wall or door to allow frequent visual monitoring of the student and any other person in the room. This window or other fixture must allow for the student to have a clear line of sight from inside the room beyond the area of seclusion. However, the requirement for an unbreakable observation window allowing for clear line of sight beyond the area of seclusion 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 person at risk.

What kinds of reporting are done by the schools on the use of restraint and seclusion?

- The school must document and maintain any use of physical restraint or seclusion in the student's educational record and, if an injury occurs, in the student's health record. The Connecticut State Department of Education (CSDE) provides a model standardized incident report.
- The incident report must include: (a) the nature of the emergency, (b) what other steps, including attempts at verbal de-escalation, were taken to prevent the emergency from happening if there were signs that this kind of an emergency was likely to happen, (c) a detailed description of the nature of the restraint or seclusion, (d) how long the student remained in the restraint or seclusion, and (e) what effect being in seclusion had on the student's medical or behavioral support or educational plan.
- The school district must record each instance of the use of physical restraint or seclusion on all students and the nature of the emergency that necessitated its use and include this information in an annual compilation on the district's use of restraint and seclusion.
- Additionally, the CSDE collects data from each school or program on students at risk or identified as special education. This data includes all instances of the emergency use of restraint and seclusion, the nature of the emergency that necessitated the use of restraint or seclusion, and all instances of physical injury as a result of restraint or seclusion including serious injuries (defined as requiring attention beyond basic first aid). Reports of serious injuries are forwarded to the Disability Rights Connecticut, Inc. by the Bureau of Special Education. Data submitted to the CSDE is used to provide a snapshot of the use of restraint and seclusion in schools and inform an annual summary report to the joint standing committees of the Connecticut General Assembly.
- The school district's annual compilation is submitted to the CSDE through the restraint and seclusion online data submission portal, which provides a snapshot summarizing the frequency of use of physical restraint or seclusion on students.

How will I be notified if restraint or seclusion is used with my child?

- The school district must attempt to notify you on the day of or within twenty-four (24) hours after the emergency use of physical restraint or seclusion. This notification may be made by phone, e-mail, or other method of communication which may include sending a note home with the student. You must be sent a copy of the incident report no later than two (2) business days after the emergency use of physical restraint or seclusion.

Where can I find a copy of the State Statutes and Regulations Discussed in this Notification?

- The State statute addressing the use of physical restraint or seclusion in public schools are found in Conn. Gen. Stat. Section 10-236b. The State regulations are Sections 10-76b-5 to 10-76b-11, inclusive. The State statute concerning the responsibility of boards of education to maintain a safe school setting may be found in Conn. Gen. Stat. Section 10-220, and the State statute concerning the use of reasonable physical force may be found in Conn. Gen. Stat. Section 53a-18.

- You may find the applicable State statutes and regulations on the Connecticut Secretary of the State website. Once on the website, scroll down to the middle section of the homepage where you will find the link to the eRegulations in a blue box. Click anywhere on the blue box. It will immediately take you to the eRegulations page. It is recommended that you read the "Information" tab, on the top right-hand side, to learn how to search for statutes and regulations.

- You may obtain a copy of the board of education's written policies and procedures about the use of physical restraint or seclusion from _____. For questions regarding this document, please feel free to contact _____ for further explanations.

- You may also contact the CSDE for further explanations of this document. Contact the Bureau of Special Education in Hartford at (860) 713-6910.

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