

**Physical Restraint/Seclusion/Exclusionary Time Out**

**Use of Physical Force**

The Board of Education (Board) seeks to foster a safe and positive learning environment for all students. In compliance with law, Board of Education employees will avoid the use of physical restraint or seclusion of students. However, physical restraint or seclusion of a student by trained school employees may be necessary in an emergency situation to maintain the safety of the student, where harm to the student or others is immediate or imminent.

The following sets forth the procedures for compliance with the relevant Connecticut General Statutes and Regulations concerning the physical restraint and seclusion of students in the Litchfield Public Schools. The Board/Superintendent mandates compliance with this regulation and the law at all times. Violations of this regulation by a school employee or other individual working at the direction of, or under the supervision of the Board may result in disciplinary action, up to and including possible termination of employment status and/or termination of contract for services.

Nothing within these regulations shall be construed to interfere with the Board's responsibility to maintain a safe school setting, in accordance with Connecticut General Statutes §10-220, or to supersede the justifiable use of reasonable physical force permitted under Connecticut General Statutes §53a-18(6).

**I. Definitions**

- A. **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.
- B. **Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- C. **Physical restraint** means any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs or head, including, but not limited to, carrying or forcibly moving a person from one location to another. Excluded from this definition is briefly holding a person in order to calm or comfort the person; restraint involving the minimum contact necessary to safely escort a person from one area to another; medical devices including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance; helmets or other protective gear used to protect a person from injuries due to a fall; ~~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

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#### I. **Definitions** (continued)

- education laws or prescribed or recommended by a medical professional and is the least restrictive means to prevent such self-injury or an exclusionary time out.
- D. **School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, 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.
- E. **Seclusion** means the involuntary confinement of a student in a room, from which the student is physically prevented from leaving. Seclusion does not include an exclusionary time out.
- F. **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 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, but does not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services. A special education student, ages 18 to 21 inclusive, in a transition program is also covered by these regulations.
- G. **Behavior Intervention:** Supports and other strategies developed by the Planning and Placement Team ("PPT") to address the behavior of a person at risk that impedes the learning of the person at risk or the learning of others.
- H. **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 such student or deescalating such student's behavior.

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**II. Procedures for Physical Restraint of Students**

- A. No school employee shall under any circumstance use a life-threatening physical restraint on a student.
- B. No school employee shall use involuntary physical restraint on a student except as an emergency intervention to prevent immediate or imminent injury to the student or to others.
- C. No school employee shall use physical restraint on a student unless the school employee has received training in accordance with state law and District training plans.
- D. Physical restraint of a student shall never be used as a disciplinary measure, as a convenience, or instead of a less restrictive alternative.
- E. School employees must explore all less restrictive alternatives prior to using physical restraint on a student.
- F. School employees are barred from placing a student in physical restraint until he or she has received training in its proper use.
- G. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint.
- H. **Monitoring**
  - 1. A trained school employee must continually monitor any student who is physically restrained. The monitoring must be conducted by direct observation of the student, or by video provided the video monitoring occurs close enough for the monitor to provide assistance, if needed.
  - 2. A trained school employee must regularly evaluate the person being restrained for signs of physical distress. The school employee must record each evaluation in the educational record of the student being restrained.

**III. Procedures for Seclusion of Students**

- A. No school employee shall use involuntary seclusion on a student except as follows:
  - 1. as an emergency intervention to prevent immediate or imminent injury to the student or to others; or
  - 2. as specifically provided for in a student's behavioral plan, if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the student have been implemented but were ineffective.

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1. A school employee may not use seclusion to discipline a student, because it is convenient or instead of a less restrictive alternative.
2. The area in which the student is secluded must have a window or other fixture allowing the student to clearly see beyond the seclusion area.
3. 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 by applicable building code requirement and have a door with a lock if that lock is equipped with a device that automatically disengages the lock in case of an emergency. Any latching or securing of the door, whether by mechanical means or by a provider or assistant holding the door in place to prevent the student from leaving the room, shall be able to be removed in the case of any emergency. 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;
    - iii. 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; and
  - f. Have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the person at risk and any provider or assistant 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.

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- g. The monitoring of students in seclusion is to be done by direct observation from another room or by video, provided the video monitoring occurs close enough for the monitor to provide aid if needed.
- h. Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program (IEP) or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as periodically amended.
- i. Any period of seclusion (1) 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 15 minutes, except that this may be extended for additional periods of up to 30 minutes each, if the Principal or his/her designee, school health or mental health professional, or board certified behavioral analyst trained in the use of restraint and seclusion determines that continued restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others. Such authorization is to be placed in writing. Where transportation of the student is necessary, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the person at risk or to others is a concern.
- j. School employees, must explore all less restrictive alternatives prior to using seclusion for a student as an emergency intervention.
- k. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for students.
- l. School employees are barred from placing a student in seclusion until he/she has received training in its proper use in accordance with state law and/or District-training plans.

**IV. Procedures for Exclusionary Time Out for Students**

- A. Exclusionary time outs are not to be used as a form of discipline.
- B. At least one school employee shall remain with the student, or be immediately available to the student such that the student and school employee are able to communicate verbally, throughout the exclusionary time out.
- C. The space used for an exclusionary time out must be clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior.

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#### **IV. Procedures for Exclusionary Time Out for Students (continued)**

- D. The exclusionary time out period must terminate as soon as possible.
- E. If the student is a child requiring special education, as defined in C.G.S. 10-76a, or a child being evaluated for special education, pursuant to C.G.S. 10-76d, and awaiting a determination, and the interventions or strategies are unsuccessful in addressing such student's problematic behavior, such student's planning and placement team shall convene as soon as is practicable to determine alternative interventions or strategies.

#### **V. Required Meetings**

##### **A. Students not Eligible for Special Education (and not being evaluated for eligibility for special education)**

- 1. In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, a team composed of an administrator, one or more of the student's teachers, a parent or guardian of the student, and, if any, a school mental health professional, shall convene to:
  - a. conduct or revise a behavioral assessment of the student;
  - b. create or revise any applicable behavior intervention plan; and
  - c. determine whether such student may require a referral for consideration for special education.
- 2. The requirement to convene this meeting shall not supersede the District's obligation to refer a student to a planning and placement team ("PPT") as may be required in accordance with federal and state law.

##### **B. Students Eligible for Special Education (and students being evaluated for eligibility for special education)**

In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days, the student's PPT shall convene to:

- 1. conduct or revise a functional behavioral assessment ("FBA");
- 2. create or revise any applicable behavior intervention plan ("BIP"), including but not limited to, such student's individualized education program ("IEP"); and
- 3. review or revise the student's IEP, as appropriate.

- C. A District and/or school administrator(s) shall determine the school employee(s) responsible for reviewing the number of occurrences of the use of physical restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of physical restraint or seclusion in a twenty (20) day period.

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#### **VI. Use of Psychopharmacologic Agent**

- A. No school employee may use a psychopharmacologic agent on a student without that student's consent and the consent of the student's parent/guardian, 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.
- B. 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.
- C. Any administration of a psychopharmacologic agent must **ONLY** be done in accordance with applicable federal and state law and the Board of Education's Administration of Medication Policy. (5141.21)

#### **VII. Training of School Employees**

The Board will provide training to the members of the crisis intervention team for each school in the district. The Board may provide such training to any teacher, administrator, school paraprofessional and other school employees designated by the school principal and who has direct contact with students. The training shall be provided during the school year commencing July 1, 2017 and annually thereafter.

The training will include, but not be limited to:

- A. 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. Such overview shall be in a manner and form as prescribed by the State Department of Education.
- B. The creation of a plan by which the Board will provide training and professional development regarding the prevention of incidents requiring physical restraint or seclusion of students.
- C. The Board will create a plan, to be implemented not later than July 1, 2018, requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:
  - 1. Verbal defusing or de-escalating;

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2. Prevention strategies;
3. Various types of physical restraint and seclusion;
4. The differences between life-threatening physical restraint and other varying levels of physical restraint;
5. The differences between permissible physical restraint and pain compliance techniques;
6. 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; and
7. Recording and reporting procedures on the use of physical restraint and seclusion.

**VIII. Crisis Intervention Teams**

Annually, each school shall identify a crisis intervention team. Such team shall consist of any teacher, administrator, school paraprofessional or other school employee designated by the school principal and who has direct contact with students and trained in the use of physical restraint and seclusion.

The Crisis Intervention Team will 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 annually. The Board shall maintain a list of the members of the crisis interventional team for each school.

This policy and procedures is 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.

**IX. Documentation and Communication**

- A. After each incident of physical restraint or seclusion, and no later than the school day following the incident, a school employee must complete the standardized incident report form developed by the Connecticut State Department of Education for reporting incidents of physical restraint and seclusion. The incident form must be included in the educational file of the person at risk who was physically restrained or secluded. The information documents on the form must include the following:

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**IX. Documentation and Communication (continued)**

1. in the case of an emergency use, 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;
  3. the duration of the restraint or seclusion;
  4. the effect of the restraint or seclusion on the student's established behavioral support or educational plan; and
- B. A school employee must notify the parent or guardian of a student of each incident that the student is physically restrained or placed in seclusion.
1. A reasonable attempt shall be made to notify the parent or guardian of the student on the day of, but no later than twenty-four (24) hours after, physical restraint or seclusion is used as an emergency intervention to prevent immediate or imminent injury to the student or others.
  2. Notification may be made by telephone, e-mail, or other method which may include, but is not limited to, sending a note home with the student.
  3. The parent or guardian of a student who has been physically restrained or placed in seclusion shall be sent a copy of the completed standardized incident report of such action no later than two (2) business days after the emergency use of physical restraint or seclusion, regardless of whether the parent received the notification described in subsections 1 and 2 above.
- C. The Director of Special Education [or other responsible administrator], or his or her designee, must, at each initial PPT meeting for a student, inform the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, of the laws relating to physical restraint and seclusion as expressed through this regulation, and of the laws and regulations adopted by the Connecticut State Board of Education relating to physical restraint and seclusion.
- D. The Director of Special Education [or other responsible administrator], or his or her designee, shall provide to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older, at the first PPT meeting following the child's referral to special education the plain language notice of rights regarding physical restraint and seclusion developed by the Connecticut State Department of Education.
- E. The plain language notice developed by the Connecticut State Department of Education shall also be provided to the child's parent, guardian, or surrogate parent, or the student if such student is an emancipated minor or eighteen years of age or older at the first

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#### **IX. Documentation and Communication (continued)**

PPT meeting at which the use of seclusion as a behavior intervention is included in the child's behavioral support or education plan.

- F. The Director of Special Education [or other responsible administrator], or his or her designee, must be notified of the following:
1. each use of physical restraint or seclusion on a special education student;
  2. the nature of the emergency that necessitated its use;
  3. if the physical restraint or seclusion resulted in physical injury to the student.

#### **X. Responsibilities of the Director of Special Education [or other responsible administrator]**

- A. The Director of Special Education [or other responsible administrator], or his or her designee, must compile annually the instances of physical restraint and seclusion within the District, the nature of each instance of physical restraint and seclusion and whether instances of seclusion were conducted pursuant to IEPs.
- B. The Director of Special Education [or other responsible administrator], or his or her designee, must report to the Connecticut State Department of Education any instance of physical restraint or seclusion that resulted in physical injury to the student.

- Legal References:
- Conn. Gen. Stat. § 10-76b State supervision of special education programs and services.
  - Conn. Gen. Stat. §§ 10-76b-5 through 10-76b-11 Use of Seclusion & Restraint in Public Schools.
  - Conn. Gen. Stat. § 10-236b Physical restraint and seclusion of students by school employees. (as amended by PA 17-220 and PA 18-51)
  - Conn. Gen. Stat. § 10-76d Duties and powers of the boards of education to provide special education programs and services.
  - Conn. Gen. Stat. § 10-220 Duties of boards of education.
  - Conn. Gen. Stat. § 46a-150-154 Physical Restraint, medication, and seclusion of persons receiving care, education, or supervision in an institution or facility.

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- Legal References: (continued)
- Conn. Gen. Stat. § 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. (as amended by P.A. 12-88)
  - Conn. Gen. Stat. § 53a-18 Use of reasonable physical force.
- Other Reference:* Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.