



STUDENTS

5144.1

Physical Restraint/Seclusion

Use of Physical Force

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 and seclusion of students, staff members will have the full support of the Board of Education in their efforts to maintain a safe environment.

Specific circumstances may sometimes occur in school or other settings in which a child under the supervision of school personnel may require physical restraint. The purpose of this restraint is to prevent the student from endangering his/her safety or the safety of others, particularly when bodily harm may be the result of the behavior.

School personnel shall employ non-confrontive intervention techniques including proper use of restraint when training in restraint and seclusion. Training in the use of such techniques shall be provided for all staff.

All incidents of restraint shall be properly reported and records related thereto shall be maintained in separate files.

The Superintendent or his/her designee shall develop regulations for implementation of this policy.

Legal References: Connecticut General Statutes
10-76b State supervision of special education programs and services.
10-76b-5 through 10-76b-11 Use of Seclusion & Restraint in Public Schools.
10-76d Duties and powers of the boards of education to provide special education programs and services.
10-220 Duties of boards of education.
46a-150-154 Physical Restraint, medication, and seclusion of persons receiving care, education, or supervision in an institution or facility.
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)
53a-18 Use of Reasonable physical force.
Public Act 07-147 An Act Concerning Restraints and Seclusion in Public Schools.
P.A. 07-141 An Act Concerning Seclusion and Restraint in Schools.

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>.

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Revised: 01/19/16

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ADMINISTRATIVE REGULATIONS

The Board of Education 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 Montville Public Schools. The Board of Education mandates compliance with this regulation at all times. Violations of this regulation 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 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:** 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 immobilized or reduces the free movement of a person's arms, legs or head while the person is in the prone position.
- B. **Physical Restraint:** Any mechanical or personal restriction that immobilizes or reduces the free movement of a person's arms, legs, or head. The term does not include: (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; 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 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.
- C. **School Employee:** 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.

- D. **Seclusion:** Involuntary confinement of a student in a room, whether alone or with supervision in a manner that prevents the person from leaving that room. Seclusion does not include 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 and time-out.
- E. **Student:** 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.
- F. **Behavior Intervention:** Supports and other strategies developed by the planning and placement team (PPT) to address the behavior of a student that impedes the learning of the student or the learning of others.

II. **Procedures for Physical Restraint of ~~Persons at Risk~~ Students**

- A. Life-Threatening Physical Restraint: 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. Physical restraint of a student shall never be used as a disciplinary measure or as a convenience or instead of a less restrictive alternative.
- D. School employees must explore all less restrictive alternatives prior to using physical restraint on a student.
- E. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint on a student.
- F. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of physical restraint.
- G. 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 person 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 the IEP of a students' behavior plan, if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the student have been implemented but were ineffective.
- B. Use of Seclusion
1. Prior to including seclusion in the IEP of a special education student, the PPT must review the results of a functional behavioral assessment and other information determined to be relevant by the PPT. If, based on this information, the PPT determines that the use of seclusion is an appropriate behavior intervention for the student in an emergency situation, the PPT shall include the assessment data and other relevant information in the behavioral plan of the student as the basis upon which a decision was made to include the use of seclusion as a behavior intervention.
 2. When seclusion is included in the behavioral plan of a special education student and is used as a behavior intervention strategy more than two times in any school quarter, the PPT must convene to review the use of seclusion as a behavior intervention. At this PPT meeting, the team may consider whether additional evaluations or assessments are necessary to address the behavior of the student and may revise the behavioral plan as appropriate.
 3. Seclusion of a student shall never be used as a disciplinary measure or as a convenience.
- C. 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 student or to others is a concern.
- D. School employees must explore all less restrictive alternatives prior to using seclusion for a student in an emergency situation, unless seclusion is being used pursuant to the behavioral plan of the student.
- E. 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 the seclusion room is located;
 3. 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;
 4. be free of any object that poses a danger to the student who is being placed in

the seclusion room;

5. 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 school employee 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. n “emergency,” for purposes of this subsection, includes but is not limited to the following:
 - 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; or
 - d. other critical situations that may require immediate removal of the student from seclusion to a safe location; and
 6. have an unbreakable observation window located in a wall or door 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.
- F. School employees must comply with all regulations promulgated by the Connecticut State Board of Education in their use of seclusion for a student.
- G. Monitoring
1. If seclusion is included in the IEP of the student, the IEP must describe the frequency of monitoring of the student while in seclusion. The monitoring must be conducted by direct observation of the student.
 2. The monitoring of student 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.
 3. A school employee must regularly evaluate the student in seclusion for signs of physical distress.

IV. Training of School Employees

The Board will provide training to school professionals, paraprofessional staff members and administrators regarding physical restraint and seclusion of students. The training will be phased in over a period of three years beginning with the school year commencing July 1, 2015.

The training will 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.
2. The creation of a plan by which the Board will provide school professionals, paraprofessional staff members and administrators with training and professional development regarding the prevention of incidents requiring physical restraint or seclusion.
3. The Board will create a plan, to be implemented not later than July 1, 2017, requiring the training of all school professionals, paraprofessional staff members and administrators by regarding the proper means of physically restraining or secluding a

student, including, but not limited to:

- a. Various types of physical restraint and seclusion;
- b. The differences between life-threatening physical restraint and other varying levels of physical restraint;
- c. The differences between permissible physical restraint and pain compliance techniques; and
- d. 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.

V. Crisis Intervention Teams

By July 1, 2015, and annually thereafter, each school shall identify a crisis intervention team. Such team shall consist of school professionals, paraprofessional staff members and administrators 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.

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.

VI. 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 student who was physically restrained or secluded. The information documents on the form must include the following:

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 person's established behavioral support or educational plan; AND
5. whether the seclusion of a student was conducted pursuant to an IEP.

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, or within twenty-four (24) hours after, physical restraint or seclusion is used with the student 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.
 4. Where seclusion has been included in the IEP of a student, notification shall be made in accordance with Section ITI(B)(1)(e) above.
- C. The Director of Special Education (or other responsible administrator), or his/her designee, must, at each initial PPT meeting for a child, inform the child's parent, guardian, or surrogate parent, or the pupil if such pupil 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.
1. The Director of Special Education (or other responsible administrator), or his/her designee, shall provide to the child's parent, guardian, or surrogate parent, or the pupil if such pupil 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.
 2. 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 pupil if such pupil is an emancipated minor or eighteen years of age or older at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the child's behavioral support or education plan.
- D. The Director of Special Education (or other responsible administrator), or his/her designee, must be notified of the following:
1. each use of physical restraint or seclusion on a student;
 2. the nature of the emergency that necessitated its use;
 3. whether the seclusion of a special education student was conducted pursuant to an behavioral support plan; AND
 4. if the physical restraint or seclusion resulted in physical injury to the student.

VII. Responsibilities of the Director of Special Education (or other responsible administrator)

- A. The Director of Special Education (or other responsible administrator), or his/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 conduct pursuant to IEPs.
- B. The Director of Special Education (or other responsible administrator), or his/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.

10-76b State supervision of special education programs and services.
10-76b-5 through 10-76b-11 Use of Seclusion & Restraint in Public Schools.

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

10-220 Duties of boards of education.

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