



CONNECTICUT STATE  
DEPARTMENT OF EDUCATION

## Guidance Related to Recent Legislation (July 1, 2015) Regarding Restraint and Seclusion in Schools

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### **Purpose:**

To provide an outline and review of the current laws and regulations related to restraint and seclusion and provide guidance related to practices essential in reducing the use of restraint or seclusion.

### **Applicability:**

The requirements of PA 15-141, effective July 1, 2015, apply to all public schools, organizations, institutions or facilities operating under contract with a local or regional board of education (public schools, approved private special education programs [APSEPs], charter schools, regional educational service centers [RESC] and academies).

### **Requirements:**

Districts, schools and programs must develop policies and procedures related to restraint and seclusion that comply with all federal, state and local laws and regulations and should include at the minimum:

- emergency response procedures;
- training requirements and procedures related to the use of restraint or seclusion in schools; and
- required reporting and data collection.

### **Current/New Legislation: PA 15-141 Effective July 1, 2015**

### **Definitions**

**"Student"(new)** means a child (A) enrolled in Grades K-12, 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 pursuant to subsection (d) of Section 10-76d of the general statutes, (C) enrolled in a program or school administered by a RESC established pursuant to the Connecticut General Statutes (CGS) Section 10-66a or (D) receiving special education and related services from an APSEP but shall not include any child receiving educational services from (i) Unified School District 2, established pursuant to the CGS Section 17a-37 or (ii) the Department of Mental Health and Addiction Services. **PA 15-141 provides a definition of "student" that includes all public school students K-12 and refers to special education students (3-21) enrolled in public school or placed in a RESC, APSEP or other special education program via a contract initiated by the district.**

**"Physical restraint"** means 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 and is the least restrictive means available to prevent such self-injury.

**"Life Threatening Physical Restraint"** (new) means any physical restraint or hold of a person that (A) restricts the flow of air into a person'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.**

**"Psychopharmacologic agent"** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

**"Seclusion"** means the confinement of a person in a room, whether alone or with staff supervision, in a manner that prevents the person from leaving. In a public school, seclusion does not mean any confinement of a child where the child is physically able to leave the area of confinement including in-school suspension and time-out. **Seclusion does not include** (1) time outs in the back of the classroom or in the hallway, meant to give the student a minute to pull themselves together (where a student is not prevented from leaving) or (2) in-school suspensions.

**"School employee"** (new) means (1) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education, or working in a public 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 a public elementary, middle or high school, pursuant to a contract with the local or regional board of education.

**Prohibited Practices** (*Applies to all "students" including students at risk or students identified as requiring special education services*)

**Life-threatening physical restraint** - No provider of care, education or supervision of a person at risk and no assistant provider may use a life-threatening physical restraint on a person at risk. This section shall not be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available in the CGS Sections 53a-18 to 53a-22, inclusive. **The use of prone restraint is prohibited.**

**Use of a psychopharmacologic agent** - 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, as developed consistent with the CGS Section 17a-543 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.

**Use of restraint as an identified "planned intervention" in the individualized education program (IEP) is prohibited.**

**Restraint - No school employee shall use a 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. The use of prone restraint is prohibited. This section shall not be construed as limiting any defense to criminal prosecution for the use of deadly physical force that may be available in the CGS Sections 53a-18 to 53a-22. No school employee shall use a physical restraint on a student unless such school employee has received training on the proper means for performing such physical restraint pursuant to subsection (o) of Section 1 of PA 15-141.

**Seclusion - No school employee shall place a student 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.** No student shall be placed in seclusion unless (1) such student is monitored by a school employee during the period of such student's seclusion and (2) the area in which such student is secluded is equipped with a window or other fixture allowing such student a clear line of sight beyond the area of 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 seclusion pursuant to subsection (o) of Section 1 of PA 15-141. Any student who is involuntarily placed in seclusion shall be frequently monitored by a school employee.

### **Inclusion of Seclusion in a Behavior Intervention Plan**

PA 15-141 limits the use of seclusion to emergency situations where a child presents a risk of injury to self or others and does not thereby allow for the broad use of seclusion per the IEP (i.e., seclusion as needed). **Only** the planning and placement team (PPT) can determine if seclusion can be included as an intervention in an IEP, in which case the following must occur:

- all positive behavioral interventions and supports must be documented, reviewed and determined to be ineffective;
- a functional behavioral assessment (FBA) must be conducted or reviewed and if appropriate, revised;
- a behavior intervention plan (BIP) based on the FBA must be developed; and
- specific criteria and procedures to be employed related to the use of seclusion must be included in the BIP.

**Seclusion may be used as a "planned intervention" *ONLY IF*:**

- the PPT **includes the justification of the decision to use seclusion as a planned intervention in the IEP.** Documentation must include evidence that all previously attempted positive behavior interventions have been ineffective, the assessment data (i.e., FBA) and other relevant information in the IEP; and
- **seclusion as a planned intervention is articulated in the IEP through a BIP.** This action must be specified on page 10 (Special Factors) of the IEP and the BIP is maintained as an attachment to the IEP.

**Documentation Required in the IEP**

**If the PPT determines**, based upon the results of an FBA and other information determined relevant by the PPT, that the use of seclusion is an appropriate intervention, the PPT **shall include the assessment data and other relevant information in the IEP as the basis upon which a decision was made to include the use of seclusion as a PLANNED intervention.** In such case, **the IEP shall specify:**

- location of seclusion, which may be multiple locations within a school building;
- maximum length of any seclusion;
- number of times during a single day that the person at risk may be placed in seclusion;
- frequency of monitoring required for the person at risk while in seclusion; and
- other relevant matters agreed to by the PPT, taking into consideration the age, disability and behavior(s) of the child that might subject the child to the use of seclusion.

**Where can a seclusion take place?**

**Seclusion is the act of confining a student** in a room, whether alone or with staff supervision, in a manner that prevents the person from leaving. **Seclusion is not a "place," although an area or room can be assigned for this purpose.** In such cases, the following requirements apply:

Any room used for the seclusion of a person at risk shall:

- be of a size that is appropriate to the chronological and developmental age, size and behavior of the person at risk;
- have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located;
- be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which it is located;
- be free of any object that poses a danger to the person at risk who is being placed in the room;
- have a door with a lock only if that lock is equipped with a device that automatically disengages the lock in case of an emergency and conforms 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 person at risk shall be constantly monitored notwithstanding any other provisions of the CGS or Regulations of Connecticut State Agencies 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;
- 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 for a person at risk; and
- **the area in which such student is secluded is equipped with a window or other fixture allowing such student a clear line of sight beyond the area of seclusion.**

**Documentation, Monitoring and Reporting** (applies to all students)

Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:

- 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
- 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.

**Note:** A standard model form for reporting an incident of restraint and a form for reporting an incident of seclusion are available on the Connecticut State Department of Education (CSDE) Web site at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&Q=320730#Legal>

**Monitoring:**

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. The school employee conducting the evaluation shall enter each evaluation in the student's educational record. For purposes of this subsection, "monitor" means (1) direct observation or (2) observation by way of video monitoring within physical proximity sufficient to provide aid as may be needed.

### **Frequency of Monitoring**

If any instance of physical **restraint or seclusion of a student otherwise permissible under PA 15-141 exceeds 15 minutes**, the following individuals, who have received training in the use of physical restraint or seclusion, will determine whether continued physical restraint or seclusion is necessary to prevent injury to self or others:

- **an administrator**, as defined in the CGS Section 10-144e **or such administrator's designee**;
- **a school health or mental health personnel**, as defined in subsection (a) of the CGS Section 10-212b; **or**
- **a board certified behavioral analyst**.

This individual shall make a new determination every 30 minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.

### **Recording and Reporting**

#### **Recording Requirements for all Students - General and Special Education**

Each local or regional board of education and each institution or facility operating under contract with a local or regional board of education must:

- record each instance of the use of physical restraint or seclusion on a student;
- specify whether the use of seclusion was in accordance with an IEP;
- specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
- include such information in an annual compilation on its use of such restraint or seclusion on students.

### **Reporting Requirements**

PA 15-141 requires the CSDE to collect data from each local or regional board of education and each institution or facility operating under contract with a local or regional board of education.

The required data includes:

- all instances of the emergency use of restraint or seclusion;
- the status of the student (special education eligible or in the referral process, or general education)
- the nature of the emergency that necessitated its use;
- all instances of the seclusion via an IEP; and
- all instances of physical injury as a result of restraint or seclusion including serious injuries (defined as requiring attention beyond basic first aid).

If the use of such restraint or seclusion results in physical injury to the student, the local or regional board of education and each institution or facility operating under contract with a local or regional board of education that provides special education for children pursuant to the CGS

subsection (d) of Section 10-76d shall report the incident to the State Board of Education (SBE) and shall include such incident in the report. The SBE shall report any incidence of serious injury or death to the director of the Office of Protection and Advocacy for Persons with Disabilities and, if appropriate, to the Office of Child Advocate (See the Special Education Data Application and Collection Restraint and Seclusion Users Guide at [http://www.csde.state.ct.us/public/help/sedac/default.aspx?sec=Restraint\\_and\\_Seclusion&ss=null](http://www.csde.state.ct.us/public/help/sedac/default.aspx?sec=Restraint_and_Seclusion&ss=null)).

**Definition of an Injury:**

- non-serious injury includes red marks, bruises or scrapes that require a Band-Aid or application of basic first aid; and
- serious injury includes any injury requiring medical attention beyond basic first aid.

**Required Meetings**

**General education** (all students K-12)

In the event that physical restraint or seclusion is used on a student four or more times within 20 school days, a team composed of an administrator, one or more of such student's teachers, a parent or guardian of such student and, if any, a mental health professional, as defined in the CGS Section 10-76t, shall convene for the purpose of:

- conducting or revising a behavioral assessment of the student;
- creating or revising any applicable BIP; and
- determining whether such student may require special education pursuant to the CGS Section 10-76ff.

**Students requiring special education or a child being evaluated for eligibility for special education pursuant to the CGS Section 10-76d, as amended by this act and awaiting a determination.**

In the event that physical restraint or seclusion is used on an above defined student four or more times within 20 school days such student's PPT shall convene for the purpose of:

- conducting or revising an FBA of the student;
- creating or revising any applicable BIP, including but not limited to, such student's IEP; and
- reviewing or revising accommodations of the IEP.

**The school level data team and/or the PPT should review the number of occurrences of the use of restraint or seclusion on a monthly basis to ensure that the appropriate meeting(s) has been convened following the fourth occurrence of restraint or seclusion in a 20 day period.**

**Parental Notification**

Each local or regional board of education must notify a parent or guardian of a student who is placed in physical restraint or seclusion not later than 24 hours after the student was placed in physical restraint or seclusion and shall make a reasonable effort to provide such notification immediately after such physical restraint or seclusion is initiated.



A written report to the parent/guardian must follow within two business days of the incident. The written report must include all information outlined in the model incident reports available on the CSDE Web site at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2678&Q=320730#Legal>.

### **Use of Data**

Data on the frequency of the use of restraint or seclusion for all children should be periodically reviewed at school leadership meetings, grade-level meetings and other meetings of school staff. Data to be reviewed at these meetings should include information consistent with privacy laws, about the frequency and duration of restraint or seclusion incidents across individual children, groups of children (e.g., gender, race, national origin, disability status and type of disability, limited English proficiency, etc.), settings, individual staff and programs, as well as the number and proportion of children who were restrained or placed in seclusion, since the last meeting and for the year to date. Such reviews should be used to determine whether state, district and school policies are being properly followed, whether procedures are being implemented as intended and whether the school staff should receive additional training on the proper use of restraint or seclusion, or positive behavioral supports and other preventive interventions.

### **Training and Professional Development**

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. Each local or regional school district shall provide training to school professionals, paraprofessional staff members and administrators regarding physical restraint and seclusion of students. Such training shall be phased in over a period of three years beginning with the school year commencing July 1, 2015, and shall include, but not be limited to (A) an overview of the relevant laws and regulations regarding the use of physical restraint or seclusion on students. Such overview shall be provided by the CSDE to all school professionals, paraprofessional staff members and administrators on or after July 1, 2015, and annually thereafter, in a manner and form as prescribed by the Commissioner of Education; (B) the creation of a plan to be implemented no later than July 1, 2017, by which each local or regional board of education shall provide school professionals, paraprofessional staff members and administrators with training and professional development regarding the prevention of the use of restraint or seclusion and the proper means of physically restraining or secluding a student, including but not limited to:

- (i) various types of physical restraint or 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, 2017, and shall include a provision to require the training of all school professionals, paraprofessional staff members and administrators in the prevention and proper means of physically restraining or secluding a student not later than July 1, 2019, and periodically thereafter as prescribed by the Commissioner of Education.



### **Identification of a Crisis Intervention Team - (July 1, 2015)**

Not later than July 1, 2015, and each school year thereafter, each local or regional board of education shall require each school in the district to identify a crisis intervention team consisting of school professionals, paraprofessional staff members and administrators who have been trained in the use of physical restraint or seclusion. 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. Each member of the crisis intervention team shall be recertified in the use of physical restraint or seclusion as required through the training program determined and provided by the district.