

Students

Physical Restraint / Seclusion / Exclusionary Time Out

The Stamford Board of Education seeks to foster a safe and positive learning environment for all students. In compliance with applicable law, this policy, and accompanying regulations, Board of Education employees will avoid the use of physical restraint and 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 or another individual, where harm to the student or others is immediate or imminent. The Board also regulates the use of exclusionary time out in accordance with this Policy and applicable law.

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 Stamford Public Schools. The Board of Education mandates compliance with this policy and the associated administrative regulations at all times. 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 these policies and administrative 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). 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.

I. **Definitions**

- A. **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 de-escalating such student's behavior.
- B. **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.
- 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 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. **Psychopharmacologic agent** means any medication that affects the central nervous system, influencing thinking, emotion or behavior.
- E. **School employee** means a teacher, substitute teacher, school administrator, Superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraeducator, board certified behavior analyst 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 Stamford Public Schools, pursuant to a contract with the Board of Education.
- F. **Seclusion** means the involuntary confinement of a student in a room, with or without staff supervision, in a manner that physically prevents the student from leaving. Seclusion does not include any confinement where the student is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out. Seclusion does not include exclusionary time out.
- G. **Student** means a child (A) enrolled in grades Pre-K, 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 shall not include any child receiving educational services from Unified School District #2 or the Department of Mental Health and Addiction Services.

II. **Use of Physical Restraint and/or Seclusion**

- A. No school employees shall use a life-threatening physical restraint on a student under any circumstance.
- B. No student shall be placed in seclusion unless the use of seclusion is being used 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.

- C. Seclusion shall not be utilized as a planned intervention in a student's behavioral intervention plan, individualized education program or plan pursuant to Section 504 of the Rehabilitation Act of 1973, as amended from time to time.
- D. If any instance of physical restraint or seclusion of a student exceeds fifteen minutes an administrator or his/her designee (member of crisis team), 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.
- E. Physical restraint and seclusion of a student shall never be used as a disciplinary measure or as a convenience.
- F. School employees must explore all available less restrictive alternatives prior to using physical restraint or seclusion for a student.
- G. In the event that physical restraint or seclusion is used on a student four or more times within twenty school days:
 - 1. 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, such student's planning and placement team shall convene for the purpose of:
 - a. conducting or revising a behavioral assessment of the student; and
 - b. creating or revising any applicable behavioral intervention plan, including, but not limited to, such student's individualized education plan.
- H. A school employee must continually monitor any student who is physically restrained or secluded. Any student voluntarily or involuntarily placed in seclusion or restrained 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.

1. Monitor shall mean by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.
 2. The area in which such student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
- I. School employees shall not use a physical restraint on a student or place a student in seclusion unless they have received training on the proper means for performing such physical restraint or seclusion.
- J. School employees may not 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 Section 17a-543 of the Connecticut General Statutes or, if no such plan has been developed, as part of 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.
- K. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four hours after the student is placed in physical restraint or seclusion. A reasonable effort shall be made to provide such notification immediately after such physical restraint or seclusion is initiated. Such notification must be made by phone or email, which may include but is not limited to sending a note home with the child. The parent of such child, regardless of whether he or she receives such notification, must be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion.
- L. Beginning July 1, 2016, The Board of Education, and each institution or facility operating under contract with the Board to provide special education for children, including any approved private special education program, shall:
1. Record each instance of the use of physical restraint or seclusion on a student.
 2. Specify whether the use of seclusion was in accordance with an individualized education program.
 3. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion.
 4. Include such information in an annual compilation on its use of such restraint and seclusion on students.

- M. 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.
- N. Any use of physical restraint or seclusion on a student shall be documented in the student's educational record. The documentation shall include:
 - 1. 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
 - 2. 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.
- O. Any incident of the use of restraint or seclusion that results in physical injury to a student shall be reported to the State Board of Education.

III. Crisis Intervention Teams

- A. For the school year commencing July 1, 2017 and each school year thereafter, the Board requires each school in the District to identify a crisis intervention team. Such team shall consist of any teacher, administrator, school professional 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.
 - 1. Members of 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.
 - 2. Each member of the crisis intervention team shall be recertified in the use of physical restraint and seclusion on an annual basis.
 - 3. The Board shall maintain a list of the members of the crisis intervention team for each school.

IV. Documentation and Communication

- A. After each incident of physical restraint or seclusion, and no later than the end of the next 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 who was physically restrained or secluded. The information on the form must include the following:

1. In the case of an emergency, 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
 5. Whether the seclusion of a student was conducted pursuant to a behavior support or educational plan.
- 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 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.
 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 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 their 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 policy, 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 their 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. Whether the seclusion of a special education student was conducted pursuant to a behavioral support plan; and

4. If the physical restraint or seclusion resulted in physical injury to the student.

V. Required Training and Prevention Training Plan

A. Training shall be provided by the Board 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 professional or other school employee, designated by the school principal and who has direct contact with students regarding physical restraint and seclusion of students. Such training shall be provided during the school year commencing July 1, 2017 and each school year thereafter.

B. Training shall include an annual 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 is to be provided by the Department of Education commencing July 1, 2017 and annually thereafter, in a manner and form as prescribed by the Commissioner of Education.)

1. The creation of a plan by which the Board will provide training regarding the prevention/de-escalation of incidents requiring physical restraint or seclusion of students.

2. The Board will create a plan requiring training regarding the proper means of physical restraint or seclusion of a student, including, but not limited to:

- a. Verbal defusing and de-escalation;
- b. Prevention strategies;
- c. Various types of physical restraint and seclusion;
- d. The differences between life-threatening physical restraint and other varying levels of physical restraint;
- e. The differences between permissible physical restraint and pain compliance techniques;
- f. 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
- g. Recording and reporting procedures on the use of physical restraint and seclusion.

VI. Exclusionary Time Out

Exclusionary time outs must follow, but need not be limited to, the following requirements:

1. Exclusionary time out is not to be used as a form of discipline. The use of exclusionary time out should be closely monitored by child study teams and grade level teams in order to examine data. If it is determined that the use of time out, including exclusionary time out as an intervention for an individual

student is not effective at reducing the inappropriate behavior and does not encourage learning of the new and appropriate behavior, the team should consider looking closely at the student's behavior using a Functional Behavior Assessment (FBA) and developing alternative interventions. Such information can be documented by a Behavior Intervention Plan (BIP) that is informed by an FBA.

2. At least one school employee remains 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.
3. The space used for an exclusionary time out is clean, safe, sanitary and appropriate for the purpose of calming such student or de-escalating such student's behavior.
4. The exclusionary time out period terminates as soon as possible.
5. If such 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.
6. An exclusionary time out becomes a reportable "seclusion" if or when the student is physically or prohibited from leaving the space.
7. The parent or guardian of a student who is placed in exclusionary time out shall be notified not later than 24 hours after the student is placed in exclusionary time out. A reasonable effort shall be made to provide such notification immediately after such exclusionary time out is initiated.
8. Staff shall record each instance of exclusionary time out. The school principal shall maintain an annual compilation of exclusionary time out. Such compilation will be reported to the Board of Education annually.

VII. Dissemination of Policy

- A. 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.

(cf. 4148/4248 – Employee Protection)

(cf. 5141.23 – Students with Special Health Care Needs)

(cf. 5144.2 – Use of Exclusionary Time Out Rooms)

Legal Reference:

Connecticut General Statutes

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. (as amended by PA 17-220 and PA 18-51)

46a-150 Definitions. (as amended by PA 07-147 and PA 15-141)

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. (as amended by PA 12-88)

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.

PA 07-147 An Act Concerning Restraints and Seclusion in Public Schools.

PA 15-141 An Act Concerning Seclusion and Restraint in Schools.

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

Conn. Gen. Stat. 10-76b

Conn. Gen. Stat. 10-76d

Conn. Gen. Stat. 53a-18 to 53a-22 Reg.

Conn. State Agencies 10-76b-5 to 10-76b-11.

Other References:

Restraint and Seclusion: Resource Document, United States Department of Education, available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>.

Understanding the Laws and Regulations Governing the Use of Restraint and Seclusion, Connecticut State Department of Education (July 2018)

Guidance Related to Recent Legislation Regarding Restraint and Seclusion, Connecticut State Department of Education (Revised, July 2018)

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