

PHYSICAL RESTRAINT / SECLUSION / EXCLUSIONARY TIME OUT

The Ledyard Board of Education believes that maintaining an orderly, safe environment is conducive to learning and is an appropriate expectation of all staff members and students 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, seclusion and exclusionary time out, staff members will have the support of the Board in their efforts to maintain a safe environment.

The Board recognizes that there are times when it becomes necessary for staff to use approved measures in order to provide a safe environment for students, to protect students from harming themselves, and to protect others from harm.

“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. The term does not include: (1) briefly holding a person in order to calm or comfort the person; (2) restraint involving the minimum contact necessary to safely escort a person from one area to another; (3) medical devices, including, but not limited to, supports prescribed by a healthcare provider to achieve proper body posture or balance; (4) helmets or other protective gear used to protect a person from injuries due to a fall; or (5) 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.

“Seclusion” means the involuntary confinement of a person in a room, from which the student is physically prevented from leaving. Seclusion does not include (1) an exclusionary time out or (2) any confinement of the student where the student is physically able to leave the area of confinement, such as in-school suspension. Seclusion is not a “place”, although an area or room can be assigned for this purpose.

“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 the student or de-escalating the student’s behavior.

It is not permitted to identify restraint or seclusion as a “planned intervention” as part of an Individualized Education Program (IEP).

Requirements for an Area or Room Used for Seclusion

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

1. Be of a size that is appropriate to the chronological and developmental age, size, and behavior of the person at risk.
2. Have a ceiling height that is comparable to the ceiling height of other rooms in the building in which it is located.
3. 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.
4. Be free of any object that poses a danger to the person at risk who is being placed in the room.

PHYSICAL RESTRAINT / SECLUSION / EXCLUSIONARY TIME OUT

5. 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 provision of the CGS or state regulations 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 (2) 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.
6. 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 the 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.
7. The area in which a student is secluded shall be equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.

Conditions Pertaining to the Use of Physical Restraint and/or Seclusion

1. No school employee shall use 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.
2. School employees shall not use life-threatening physical restraint on a student under any circumstances. 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 under Connecticut General Statutes (CGS) sections 53a-18 to 53a-22, inclusive.
3. If any instance of physical restraint or seclusion of a student exceeds fifteen (15) minutes, an Administrator, or his/her designee, 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, the individual shall make a new determination every thirty (30) minutes thereafter regarding whether such physical restraint or seclusion is necessary to prevent immediate or imminent injury to the student or to others.
4. No student shall be placed in seclusion unless:
 - a. The use of seclusion is 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.
 - b. The student is continually monitored by a school employee during the period of the student's seclusion. Any student voluntarily or involuntarily placed in seclusion or restraint shall be regularly evaluated by a school employee for indication of physical distress. The school employee conducting the evaluation shall enter each evaluation in

PHYSICAL RESTRAINT / SECLUSION / EXCLUSIONARY TIME OUT

the student's educational record. The student shall be monitored either by direct observation or by observation using video monitoring within physical proximity sufficient to provide aid as may be required.

- c. The area in which the student is secluded is equipped with a window or other fixture allowing the student a clear line of sight beyond the area of seclusion.
5. 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 CGS section 17a-543, or, if no such plan has been developed, as part of a licensed practitioner's initial orders. The use of psychopharmacological agents, alone or in combination, may be used only in doses that are therapeutically appropriate and not as a substitute for other appropriate treatment.
6. In the event that physical restraint or seclusion is used on a student four (4) or more times within twenty (20) school days:
- a. An administrator, one or more of the student's teachers, the parent/guardian of the student, and, if any, a mental health professional shall convene for the purpose of:
 - Conducting or revising a behavioral assessment of the student;
 - Creating or revising any applicable behavioral intervention plan; and
 - Determining whether the student may require special education.
 - b. If the student is a child requiring special education or is a child being evaluated for eligibility for special education and is awaiting a determination, the student's Planning and Placement Team (PPT) shall convene for the purpose of (1) conducting or revising a behavioral assessment of the student, and (2) creating or revising any applicable behavioral intervention plan, including, but not limited to, the student's IEP.
7. The parent/guardian of a student who is placed in physical restraint or seclusion shall be notified not later than twenty-four (24) 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.
8. School employees shall not use physical restraint on a student or place a student in seclusion unless the employee has received training on the proper means for performing such physical restraint or seclusion.
9. Ledyard Public Schools 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:
- a. Record each instance of the use of physical restraint or seclusion on a student;
 - b. Specify the nature of the emergency that necessitated the use of such physical restraint or seclusion; and
 - c. Include such information in an annual compilation on its use of such restraint and seclusion on students.

PHYSICAL RESTRAINT / SECLUSION / EXCLUSIONARY TIME OUT

10. The Board and institutions or facilities operating under contract with the Board to provide special education for children, including an approved private special education program, shall provide such annual compilation of the use of physical restraint and seclusion to the Department of Education in order to examine incidents of physical restraint and seclusion in schools.

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

- a. 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
- b. 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.

12. 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.

Conditions Pertaining to the Use of Exclusionary Time Out

- 1. Exclusionary time outs are not to be used as a form of discipline.
- 2. 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.
- 3. The space used for an exclusionary time out is clean, safe, sanitary, and appropriate for the purposes of calming such student or de-escalating the student's behavior.
- 4. The exclusionary time out period shall be terminated as soon as possible.
- 5. If the student is a child requiring special education, as defined in CGS section 10-76a, or a child being evaluated for special education pursuant to CGS section 10-76d and awaiting a determination, and the interventions or strategies are unsuccessful in addressing the student's problematic behavior, the student's Planning and Placement Team shall convene as soon as is practicable to determine alternative interventions or strategies.

Transportation

District personnel considering the use of a physical restraint device to control physical activity or aggression of a special education student while being transported shall follow these guidelines:

- 1. The parent/guardian must receive prior notification of the intended use of the physical restraint device. Parent/guardian input will be a major factor in determining whether to use the device. If there is a difference of opinion between District personnel and the parent/guardian with regard to the use of a physical restraint device, the Director of Student Special Services will determine whether to use the device. The decision of the Director may be appealed to the Superintendent of Schools.

PHYSICAL RESTRAINT / SECLUSION / EXCLUSIONARY TIME OUT

2. Once authorization to use a restraint device is obtained, the Administrative designee shall ensure that a written plan for the use of the device is prepared. The written plan is to be in place prior to the use of the device and shall include:

- a. The purpose/goal for utilization of the device;
- b. The specific type and model number of the restraint device to be used;
- c. The specific times the device is to be used; and
- d. A method of assessing the effectiveness of its use.

Required Training and Prevention Training Plan

Training regarding physical restraint and seclusion of students shall be provided by the Board, in accordance with the Board-approved training plan, to the members of the crisis intervention team for each school in the District. The Board may also 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. Such training shall be provided annually and shall 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 and the proper uses of physical restraint and seclusion. The training shall be conducted in the manner and form as prescribed by the Commissioner of Education and shall use the materials provided by the Department of Education; and

2. The proper means of physical restraint and 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.

Crisis Intervention Teams

The Board requires each school in the District to identify a crisis intervention team. The team shall consist of any teacher, administrator, school professional or other school employee designated by the school principal who has direct contact with students and is trained in the use of physical restraint and seclusion.

PHYSICAL RESTRAINT / SECLUSION / EXCLUSIONARY TIME OUT

Crisis intervention 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 and seclusion on an annual basis. The Board shall maintain a list of the members of the crisis intervention team for each student.

Legal References:

Connecticut General Statutes (last amended by Public Act (PA)):

10-76b. State supervision of special education programs and services. Regulations. Coordinating agency. (PA 17-2 of the June Special Session (JSS))

10-76d. Duties and powers of boards of education to provide special education programs and services. Medicaid enrollment, participation and billing requirements. Development of individualized education program. Planning and placement team meetings. Public agency placements; apportionment of costs. Relationship of insurance to special education costs. (PA 17-2 JSS)

10-236b. Physical restraint and seclusion of students by school employees. (PA 17-96, 17-220 and 18-51)

46a-150. Definitions. (PA 15-141)

46a-151. Life-threatening physical restraint prohibited. (PA 15-141)

46a-152. Physical restraint, seclusion and use of psychopharmacologic agents restricted. Notification of parent or guardian of physical restraint or seclusion of child required. Monitoring and documentation required. (PA 15-141 and 17-96)

46a-153. Recording and annual compilation of use of restraint and seclusion. Review of annual compilation by state agencies. Reports. (PA 15-141 and 17-96)

53a-18. Use of reasonable physical force or deadly physical force generally. (PA 92-260)

53a-19. Use of physical force in defense of person. (PA 10-36)

53a-20. Use of physical force in defense of premises. (PA 92-260)

53a-21. Use of physical force in defense of property. (PA 92-260)

Connecticut State Department of Education regulations 10-76b-5 through 10-76b-11.

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