

## Students

### Use of Physical Force

#### Physical Restraint(s)/Seclusion

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

The Board recognizes that there are times when it becomes necessary for staff to use reasonable restraint to protect a student from harming himself/herself or 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. Excluded from this definition is the use of helmets, or other protective gear used to protect a person from injuries due to a fall, mitts and similar devices used to prevent special education students from hurting themselves if their use is documented in their Individualized Education Program (IEP), pursuant to Connecticut's special education laws and is the least restrictive means available to prevent self injury.

Reasonable restraint is defined as immobilization of the individual's opportunity for movement by staff member(s) through direct contact using devices and techniques designed to control acute or incidental aggressive behaviors or to control involuntary movements or lack of muscular control due to organic causes or conditions. Such constraint will not be used except as necessary to ensure a student's safety and that of others, and then only for as long as is necessary for control of the situation. Such restraint is not to be used as a disciplinary measure. Restraint includes "aversive techniques" which are defined as deliberate activities designed to establish a negative association with a specific behavior. Prohibited is 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.

Restraint does not include 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; or medical devices, including but not limited to, supports prescribed by a health care provider to achieve proper body position or balance.

Seclusion is defined as the confinement of an individual in a room, with or without staff supervision, in a manner that prevents the person from leaving, provided such seclusion does not include any confinement of a person at risk in which the person is physically able to leave the area of confinement, including, but not limited to, in school suspension and time out. Time out is not considered seclusion. Involuntary seclusion is permitted in accordance with the student's IEP or in an emergency to prevent immediate or imminent injury to the person or others, so long as it is the least restrictive alternative.

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### Use of Physical Force

#### Physical Restraint(s)/Seclusion (continued)

Physical restraint may be used on a person at risk only as an emergency intervention to prevent immediate or imminent injury to the person or others. It may not be included as a behavior modification strategy in the IEP of a special education student.

Physical restraint may be used by staff members to:

1. — Quell a disturbance threatening injury to others.
2. — Obtain possession of weapons or other dangerous objects, including a controlled substance upon or within the control of such student.
3. — Protect other persons or property.
4. — Direct the movement or actions of a student to avoid undue or deliberate disruption of the classroom and/or other parts of the school.
5. — Protect an individual from his/her own actions.

In the case of students with disabilities, any restraint used beyond the specific situations listed above shall be identified on the student's Individual Education Plan (IEP) as a form of intervention. All less restrictive alternatives must be explored prior to using physical restraint. The student being restrained must be constantly monitored through direct observation or through video monitors within physical proximity sufficient to provide aid as may be needed.

Such acts shall not be construed to constitute corporal punishment within the meaning and intent of this policy.

Staff using such constraint shall be subject to the following:

1. — Such use of physical restraint shall not be used as punishment, discipline or for the convenience of staff.
2. — Staff using restraint shall complete an incident report with the principal or his/her designee justifying the use of such measures. The administration shall notify the parent(s)/guardian(s) of the incident by any reasonable method, including telephone or e-mail.
3. — Restraint, including restraint devices, shall be applied only by staff who have completed necessary and appropriate training.
4. — Staff shall maintain continuous visual supervision on any student upon which restraint or devices have been used to ensure the student's health and safety.
5. — A student's respiration and/or circulation shall not be restricted.
6. — A staff member acting alone shall not be expected to use force or restraint when the risk of harm to the student or staff member would likely result from the use of force which outweighs the risk of harm presented by the student's conduct.

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### Use of Physical Force

#### Physical Restraint(s)/Seclusion (continued)

District personnel who transport special education students to and from off campus facilities and consider the use of a physical restraint device to control physical activity or aggression of a special education student shall follow these guidelines:

1. ~~The parent/guardian must be notified of the intended use prior to 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 Superintendent will determine whether the device is to be used.~~
2. ~~Once authorization to use a restraint device is obtained, the Director of Special Education is to 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 is to include:~~
  - a) ~~the purpose/goal for utilization of the device;~~
  - b) ~~the specific type and model number of the restraint device to be used;~~
  - e) ~~the specific times it is to be used;~~
  - d) ~~a method of assessing the effectiveness of its use.~~
3. ~~District employees and substitutes must be trained in the proper use of the restraint prior to its use.~~
4. ~~Under no conditions may a student secured by a restraint device be left unattended.~~

~~In the case of an emergency involving the threat of immediate and significant harm to the special education student or to other persons in the proximity of the student, a district employee may use a restraint device prior to receiving the above required approval, provided that such use is only for the minimum time required until the threat of immediate and significant harm is removed. The student's parent/guardian, principal and the Superintendent must immediately be notified of the reason for the use of the device and the length of time the student was in restraint.~~

~~An act of a staff member shall not be considered child abuse if the act was performed in good faith and in compliance with Board policies and procedures. Such acts shall not be construed to constitute corporal punishment.~~

~~Seclusion may be used for a person at risk only as an emergency intervention to prevent immediate or imminent injury to the person or others or in a non-emergency situation if (1) it is specified in the student's IEP and (2) other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the person at risk have been implemented but were ineffective.~~

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#### Physical Restraint(s)/Seclusion (continued)

Generally, the seclusion may not exceed the time necessary to allow the person at risk to compose himself/herself and return to the educational environment. It may not exceed one (1) hour unless extended through the written authorization of a building principal or designee in order to prevent immediate injury to the person at risk or others.

A room is required for seclusion which fulfills the following regulatory requirements:

1. Size chronologically and developmentally appropriate;
2. Ceiling height comparable to other ceiling heights in the building;
3. Comparable heating, cooling, ventilation, and lighting systems;
4. Free of any item that would pose a danger;
5. Any lock must be equipped with a device that automatically disengages the lock in an emergency; (on or after January 1, 2014, the locking mechanism of any room used for seclusion must be a pressure sensitive plate); and
6. Must have an unbreakable observation window.

#### Reporting/Notification Requirements

1. Injuries caused by the use of restraints and/or seclusion in schools shall be reported to the State Department of Education. Such report shall specify whether the use of such seclusion was in accordance with an individualized education program (IEP) or whether the use of such physical restraint or such seclusion was an emergency.
2. The parents/guardians of a special education student must be notified of each incident within 24 hours in which their child was placed in physical restraints or seclusion. The District must also send a copy of the incident report home no later than two (2) business days after the restraint or seclusion.
3. A record shall be kept of each instance of the use of physical restraint or seclusion on a child and shall specify whether the use of seclusion was in accordance with an individualized education program (IEP) or whether the use of physical restraint or seclusion was an emergency, including the nature of the emergency necessitating such use. Such information shall be included in an annual compilation of the District's use of restraint and seclusion on children.
4. Parents, guardians and other persons standing in place of parents shall be notified by the Board of the laws and regulations governing the use of physical restraints and seclusion, pursuant to chapter 814e, related to student and parental rights at the first PPT involving the student's Individualized Education Program (IEP).

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#### Reporting/Notification Requirements (continued)

5. — After each physical restraint or seclusion, the incident must be documented by using the State's standardized incident reporting form. It must be completed no later than the school day following the incident.
6. — At each initial PPT meeting, the District must inform the child's parent/guardian of the laws and their rights relating to physical restraint and seclusion. This information shall be provided at each annual review along with the procedural safeguards.

#### Regular Education Students

~~A student not eligible for special education and is not being evaluated for eligibility is not covered by this policy. CGS 53a-18 permits a teacher or other person entrusted with the care and supervision of a minor for school purposes to use reasonable physical force upon such minor when and to the extent he/she reasonably believes such to be necessary to (1) protect himself/herself from immediate physical injury; (2) obtain possession of a dangerous instrument or controlled substance; (3) protect property from physical damage; or (4) restrain such minor or remove such minor to another area to maintain order.~~

~~(cf. 4148/4248—Employee Protection)  
(cf. 5141.23—Students With Special Health Care Needs)  
(cf. 5144—Use of Physical Force)~~

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.~~

~~46a-150 Definitions. (as amended by PA 07-147)~~

~~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 P.A. 12-88)~~

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### Use of Physical Force

Legal Reference: ~~Connecticut General Statutes (continued)~~

~~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.~~

~~State Board of Education Regulations Sections 10-76b-5 through 10-76b-11.~~

Policy adopted: 1/2/13

BROOKFIELD PUBLIC SCHOOLS  
Brookfield, Connecticut