

## **STUDENTS**

**5144.1(a)**

### **Use of Physical Force Physical Restraint(s)/Seclusion**

The Board of Education (“Board”) 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 law and Board policy governing the use of physical force, including physical restraint and seclusion of students, staff members will have the full 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 reasonable restraint or place a student in seclusion as an emergency intervention to protect a student from self-harm or to protect others from harm.

#### **Definitions:**

##### **Physical Restraint:**

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.

Physical 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; (i.e., temporarily touching or holding for the purpose of guiding or inducing a student to walk to another location);
- 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 and is the least restrictive means available to prevent such self-injury.

##### **Seclusion:**

The confinement of a person in a room, whether alone or with staff supervision, from which the student is physically prevented from leaving. “Seclusion” does not include an exclusionary time out.

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.

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#### **Exclusionary Time Out**

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. An exclusionary time out becomes a reportable "seclusion" if or when the student is physically or otherwise prohibited from leaving the space. Exclusionary time outs are not to be used as a form of discipline. At least one school employee 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. The space used for an exclusionary time out shall be clean, safe, sanitary and appropriate for the purpose of calming such student or deescalating such student's behavior. The exclusionary time out period terminate as soon as possible. If such student is a child requiring special education, or a child being evaluated for special education 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.

#### **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. 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 Sections 53a-18 to 53a-22, inclusive. The use of life threatening physical restraint is prohibited.

#### **Psychopharmacologic agent**

Means any medication that affects the central nervous system, influencing thinking, emotion or behavior.

#### **Emergency Restraint and Seclusion**

Emergency restraint and emergency seclusion are responses to situations in which there is imminent risk of injury by a student to self or others. The use of these "emergency" responses are not planned interventions and are not included in an IEP developed for a student identified as a special education student. An "emergency" is a situation that poses risk of immediate or imminent injury to self or others, which typically warrants an unplanned response. 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 Connecticut General Statutes Section 10-236b(1)(o).

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##### **Emergency Situations:**

physical aggression towards others (students or staff); and self injurious behavior.

##### **Non-Emergency Situations:**

throwing objects (not directed), leaving an area, tipping chairs, destruction of property, roaming/running around the classroom, Inappropriate verbalization/swearing, and refusals not impose an immediate/imminent danger to other.

School employees shall not use a life-threatening physical restraint on a student under any circumstance.

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 Connecticut General Statutes Section 17a-543, 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.

Seclusion is the act of confining a student in a room, whether alone or with staff supervision, from which the student is physically prevented from leaving. "Seclusion" does not include an exclusionary time out. Although an area or room can be assigned for the purpose of seclusion, a seclusion can be conducted in a classroom, hallway, office, or other area or space, recognizing the defining criteria as the fact that the student is not allowed to leave the room, space, or area.

Rooms used for seclusion must be reviewed by the Director of Special Education and Superintendent to adhere to the requirements put forth by the State Board of Education.

#### **Elapsed Time in Restraint/Seclusion**

If any instance of physical restraint or seclusion of a student exceeds fifteen minutes, an administrator or the administrator's designee, 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.

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**Parental Notification of the Laws Relating to the use of Restraint and Seclusion in the Public Schools**

The District shall 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. The District shall also make a reasonable effort to provide such notification immediately after such physical restraint or seclusion is initiated. Such notification must be made by phone, e-mail, or other method, which may include but is not limited to, sending a note home with the child.

The parent of such a child, regardless of whether such notification was received, must be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion.

**Required Professional Development Plan/Training for Crisis Team**

Each school building shall have an identified crisis intervention team, which is trained in the prevention of the use of restraint and seclusion and how to appropriately intervene when necessary.

**Crisis Team Members**

A member of the crisis intervention team is defined as any teacher, administrator, and paraprofessional, or other school employee as defined by Connecticut General Statutes Section 10-222d who is designated by the school principal and who:

- Has direct contact with students; and
- Is Receives annual training, regarding physical restraint and seclusion of students.

**Role of Crisis Team Members**

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 certified/recertified in the use of physical restraint and seclusion as required through the training program determined and provided by the District. Brookfield Public Schools shall maintain a team of six crises team members per building.

**Training for a Crisis Intervention Team must include:**

1. An overview of the relevant laws and regulations regarding the use of physical restraint and seclusion on students.
2. De-escalation strategies and prevention of the use of restraint and seclusion.

The proper means of physically restraining or secluding a student, including, but not limited to:

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  - various types of physical restraint and seclusion;
  - the differences between life threatening physical restraint and other varying levels of physical restraint;
  - the differences between permissible physical restraint and pain compliance techniques;
  - and monitoring methods to prevent harm to a student who is physically restrained or in seclusion.

Crises team member training shall be required annually.

**Reporting Requirements for all Students - General and Special Education**

District personnel shall record and report to the Director of Special Education or the Director's designee within 24 hours.

- record of each instance of the use of physical restraint or seclusion on a student;
- 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 the use of such restraint and seclusion on students.

**Annual Report of Restraint Seclusion for Students with IEP's**

The District will submit to the CSDE through the restraint and seclusion online data submission (CTSEDS) each individual report of restraint seclusion.

A compilation of the use of restraint or seclusion with general education students will be maintained separately by the district.

**Use of Data**

The Director of Special Education and Superintendent will review the CSDE annual report on restraint/Seclusion for adherence to Board policy.

Building level data on the frequency of use of restraint and seclusion for all children will be periodically reviewed at school leadership meetings. Data to be reviewed at these meetings includes information, consistent with privacy laws, about the frequency and duration of restraint and seclusion incidents across individual children, groups of children (e.g., gender, race, national origin, disability status and type of disability, and limited English proficiency, etc.), settings, individual staff, and programs. Such reviews will 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 and seclusion or positive behavioral supports and other preventive interventions.

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**Reporting Injuries**

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

If the use of such restraint or seclusion results in physical injury to the student, the Director of Special Education in adherence with Connecticut General Statutes Section 10-76d(d) of the general statutes, shall report the incident to the State Board of Education (SBE), which shall include such incident in the report.

**When to Convene a Meeting for General Education Students (K-12)**

When physical restraint or seclusion is used on a student four or more times within 20 school days, a meeting must be convened which includes: 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 Connecticut General Statutes Section 10-76t), for the purpose of:

- conducting or revising a behavioral assessment of the student;
- creating or revising any applicable behavioral intervention plan (“BIP”); and
- determining whether such student may require special education.

**When to Convene a Meeting for Identified Special Education Students or Those Being Evaluated for Eligibility (ages 3-21)**

When physical restraint or seclusion is used on a student requiring special education or a student being evaluated for eligibility for special education (ages 3-21) four or more times within 20 school days, a PPT meeting must be convened for the purpose of:

- conducting or revising a functional behavioral assessment of the student;
- creating or revising any applicable BIP, including but not limited to, such student’s IEP.

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

Cf. Board Policy 5144.2 Use of Exclusionary Time Out

Regulation Approved:

Brookfield Public Schools  
BROOKFIELD, CONNECTICUT